

**CALL TO ORDER and ROLL CALL**

Mayor Warner called the March 23, 2010 Town Council Meeting to order at 7:31 p.m. The following members answered roll call: Mr. Millisor, Mr. Bergeron, Mr. Joyce, Ms. McAtamney, Mr. Mamula, Mr. Rossi and Mayor Warner.

**APPROVAL OF MINUTES – March 9, 2010 Regular Meeting**

Mayor Warner asked that one item be changed in the meeting minutes of March 9. He wanted the record to reflect that Mr. Bergeron was not necessarily absent from the meeting, but because of a recent accident and needed recovery time, Mr. Bergeron was advised by the Mayor to go home and rest. With that change to appear in the minutes, Mayor Warner declared the meeting minutes would stand approved as presented.

**APPROVAL OF AGENDA**

Mr. Gagen, Town Manager, stated the item entitled A Resolution Approving Real Estate Transfer Tax Administrative Rules located under Resolutions will be removed from the agenda; this item does not require council action.

**COMMUNICATIONS TO COUNCIL**

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

Mr. Dara Lor, owner of Summit Greasecycling, spoke in reference to the town's Request For Proposal for grease removal. His company is located locally. He thanked the town for acknowledging in that RFP the sustainable aspects of the grease removal.

**CONTINUED BUSINESS**

**A. SECOND READING OF COUNCIL BILL, SERIES 2010 - PUBLIC HEARINGS**

1. **Council Bill No. 6, Series 2010 - 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 WIRELESS TELEPHONE PROHIBITIONS FOR DRIVERS**

Mr. Berry, Town Attorney, stated the town has its own traffic code, codified by ordinance. The town's code is consistent with the state's traffic code; however, an update to the town's code is needed to incorporate the 2009 state law passed by the Colorado Legislature concerning the use of cell phones and text messaging while driving a vehicle. There are no changes from first reading. If passed tonight, this ordinance will allow violations of this nature to be written into Breckenridge Municipal Court.

Mayor Warner opened a public hearing. With no questions or comments from the public Mayor Warner closed the public hearing. There were no comments or questions from council.

Mr. Millisor moved to approve Council Bill No. 6, Series 2010 as previously read into the record. Mr. Mamula seconded the motion. A roll call vote was taken with all members of council in favor of passage.

2. **Council Bill No. 7, Series 2010 - AN ORDINANCE ADOPTING CHAPTER 21 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING PROCEDURES FOR THE EXERCISE OF THE RIGHTS OF INITIATIVE AND REFERENDUM BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,**

Mr. Berry summarized this ordinance which would allow town council to adopt state law concerning Initiatives and Referendums. If the charter amendments proposed on the April 6 ballot pass, this ordinance would become the town's procedure for administering an Initiative and/or Referendum election.

Mayor Warner opened a public hearing. With no questions or comments from the public Mayor Warner closed the public hearing. There were no comments or questions from council.

Mr. Millisor moved to approve Council Bill No. 7, Series 2010 as previously read into the read. Mr. Bergeron seconded the motion. A roll call vote was taken with all members of council in favor of passage.

**NEW BUSINESS**

**A. FIRST READING OF COUNCIL BILL, SERIES 2010**

1. **Council Bill No. 8, Series 2010 - AN ORDINANCE AMENDING CHAPTER 11 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING MOUNTAIN PINE BEETLES AND BEETLE INFESTED TREES**

Mr. Berry introduced this council bill stating it was the recommendation of the Fire Wise Task Force to propose to council certain changes to the current Mountain Pine Beetle Ordinance. Changes include a requirement for a homeowner to have their property inspected for Mountain Pine Beetle (MPB) infected trees and remove dead and infested trees annually. Dates were changed and language was changed to address town owned properties. Procedures were added to enable the Community Development Director to enforce aspects of this code.

Mayor Warner stated this council bill is before council as a first reading, there will not be a public hearing at this time. Mayor Warner asked if there were any questions or comments from council. There were none.

Mr. Millisor moved to approve Council Bill No. 8, Series 2010 as previously read into the read. Ms. McAtamney seconded the motion. A roll call vote was taken with all members of council in favor of passage.

**B. RESOLUTIONS, SERIES 2010**

There were no resolutions.

**C. OTHER**

**1. AN EMERGENCY ORDINANCE AUTHORIZING THE SALE OF TOWN-OWNED REAL PROPERTY**

Mr. Berry introduced this matter stating this emergency ordinance would authorize the town manager to execute a contract for the sale of Unit 104, Building B, Wildflower. It is presented to council as an emergency ordinance so the buyer, Jennifer Leslie, can receive a town commitment in advance of a deadline to be under contract no later than April 30, 2010 and close by June 30, 2010 so she can receive an \$8,000 tax credit. An Affordable Housing Restrictive Covenant has been recorded for the property.

Mayor Warner asked if there were any questions from council. There were none. As an emergency ordinance he opened the matter for public comment. There was no one present who wished to speak in favor or opposition to this item. Mayor Warner closed the public hearing.

Mr. Millisor moved to approve An Emergency Ordinance Authorizing the Sale of Town-Owned Real Property, more specifically, Unit 104, Building B, Wildflower. Mr. Rossi seconded the motion. A roll call vote was taken with all members of council in favor of passage.

**PLANNING MATTERS**

**A. Planning Commission Decisions of March 16, 2010**

With no request to call an item off the Planning Commission Decisions, Mayor Warner declared they would stand approved as presented.

**B. Town Council Representative Report (Mr. Rossi)**

Mr. Rossi reported the Planning Commission discussed footprint lots and bistro lighting. He assured council his comments in reference to Valley Brook noted in the minutes, did not include information council had discussed confidentially.

**REPORT OF TOWN MANAGER AND STAFF**

Mr. Gagen mentioned his note on the Alpine Bank response. He stated he will be mixing business with pleasure during a trip to Park City, UT. While in Utah he will be talking to Park City staff and asked if council had suggestions for discussion topics. Council suggested: open space, VRBO, parking/transit, nuisance animals, density on trails, central reservations, effects of positive/negative points concerning special events, in particular art fairs.

**REPORT OF MAYOR AND COUNCILMEMBERS**

**A. CAST/MMC (Mayor Warner)** Mayor Warner reported there was no meeting for CAST. Mayors and Managers will meet April 1.

**B. Breckenridge Open Space Advisory Commission (Mr. Joyce)** Mr. Joyce reported the ski area would like to offer hiking tours in and around the ski area. He asked for feedback from council in reference to hiking tours through Cucumber Gulch. The topic received a lukewarm response from BOSAC. The same was received from council. He reported on BOSAC's discussion of mapping open space trails. He mentioned the use of directional arrows at trail intersections. Discussion occurred.

**C. BRC (Ms. McAtamney)** Ms. McAtamney reported there was a marketing forum today. She had to miss it in order to attend the work session discussion of housing and childcare.

**D. Summit Combined Housing Authority (Mr. Millisor)** Mr. Millisor reported the group will be meeting tomorrow.

**E. Breckenridge Heritage Alliance (Mr. Bergeron)** Mr. Bergeron reported Rick Hague will no longer be the organization's board president. A replacement has not been officially announced.

**F. Sustainability Committee (Mr. Millisor)** Mr. Millisor reported the group met last Friday. Topics discussed were addressed during the council's work session today.

**OTHER MATTERS**

**A. Open Space Advisory Commission Vacancies**

Council was asked to vote for three applicants to fill BOSAC vacancies. Before doing so, Mr. Gagen asked if there was any discussion. Mr. Millisor felt it would be nice to have a variety of perspectives on BOSAC that reflect other reasons for open space acquisition. He mentioned acquisition of open space for wildlife habitat preservation, as an example. Discussion continued. It was commented that the new applicants interviewed today did not speak to the master plan or trail plan. Discussion occurred concerning why there were not as many applicants as in past years. Mr. Mamula stated an article in the paper about BOSAC might be viewed by more instead of the status quo ads that typically appear in the paper. Ms. McAtamney wondered if people were just too busy during this time of year to pay attention to ads or compile a letter of interest. As a comparison, Mr. Gagen mentioned the Art Commission did not receive any letters of interest for their vacancies.

With no further discussion, votes were cast. Mr. Gagen counted the votes. Scott Yule, Dennis Kuhn and Devon O'Neil were the successful applicants. Staff will contact all candidates and thank them for their interest in BOSAC.

Mr. Mamula reported on a meeting with ski area representatives and members of the business community. This meeting concerned an appearance of disconnect between the town and the ski area. Mr. Mamula suggested the possibility of a ski area representative coming to council meetings on occasion to communicate ideas, discuss miscellaneous items, and/or answer questions. The idea was received favorably by council. Mr. Gagen will see about getting something started.

Mr. Mamula followed up on an issue with trash being dumped in his neighborhood. He thanked Sgt. Quesada and the Police Department for great detective work. The offending party was discovered and a citation issued.

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Mr. Rossi commented on an article he saw in the on-line version of the Summit Daily. He recalled the article as being about Valley Brook. There were comments about the art fair process that he felt were not accurate. Because the matter of art fairs was discussed in work session, he stated he would like to see work sessions recorded so there is proof of what is said and there is a record of the direction staff is advised to take.

Mr. Rossi is running for office in the April 6 election. Not knowing what the outcome will be, he thanked council members for a great experience during the last four years.

Mr. Millisor thanked council for the opportunity to serve during the past two years. He is not running for office.

Ms. McAtamney's position is up for election on April 6. She thanked council.

Mayor Warner thanked all three for their service, no matter what the election outcome turns out to be.

**SCHEDULED MEETINGS**

There were no further meetings to bring to council's attention.

**ADJOURNMENT**

With no further business to discuss the meeting was adjourned at 8:36 p.m.

Submitted by Wanda Creen, Deputy Town Clerk.

ATTEST:

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Mary Jean Loufek, Town Clerk

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John Warner, Mayor