

CALL TO ORDER AND ROLL CALL

Mayor Blake called the January 22, 2008 Town Council Meeting to order at 7:30 p.m. The following members answered roll call: Mr. Bergeron, Mr. Mamula, Ms. McAtamney, Mr. Rossi, Mr. Millisor, Dr. Warner and Mayor Blake.

APPROVAL OF MINUTES – January 8, 2008 Regular Meeting

There were no changes to the minutes. They were approved as presented.

APPROVAL OF AGENDA

Town Manager, Tim Gagen, had no changes.

COMMUNICATIONS TO COUNCIL

- A. Citizens Comment - (Non-Agenda Items ONLY; 3 minute limit please)
- B. BRC Director's Report – Corry Mihm, Executive Director, In the middle of Snow Sculpture this week. Mardi Gras is coming up. Corry went through the schedule of events. Tomorrow is the Mixer at Blue Sky. National Brotherhood of Skiers said that this was the smoothest, most well organized Summit they have ever had and they have been doing this for 35 years.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILLS, SERIES 2007 & 2008 – PUBLIC HEARINGS**

1. Council Bill No.41, Series 2007- AN ORDINANCE ANNEXING TO THE TOWN OF BRECKENRIDGE A PARCEL OF LAND LOCATED IN THE B & L NO. 1 PLACER, MS 114044, THE ACCOMMODATION PLACER, MS 19361, AND THE BRADDOCK PLACER, M.S. 13465, COUNTY OF SUMMIT, AND STATE OF COLORADO (Miller — 40.41 acres, more or less)

Tim Berry commented that on December 11th the Council approved the first reading of the annexation ordinance. On January 8th they continued the reading to the January 22, 2008 meeting. This ordinance would annex the Stan Miller Property. There are no changes from the first reading.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Mamula moved to approve Council Bill No 41, Series 2007 on second reading. Mr. Rossi made the second. The motion passed 7-0.

2. Council Bill No.42, Series 2007- AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY IN LAND USE DISTRICTS 1 AND 33 (Miller — 40.41 acres, more or less)

Tim Berry commented that on December 11th the Council approved the first reading of the ordinance that would place this property in LUD 1 & 33. On January 8th they continued the reading to the January 22, 2008 meeting. There is a proposed amendment to the LUD 33, which will come at the next meeting.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Bergeron moved to approve Council Bill No 42, Series 2007 on second reading. Ms. McAtamney made the second. The motion passed 7-0.

3. Council Bill No. 1, Series 2008- AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MEMBERSHIP OF THE TOWN OF BRECKENRIDGE LIQUOR LICENSING AUTHORITY

Tim Berry commented that the Town Council recently voted to eliminate Council representation on the Liquor Licensing Authority. The Town Code states that "one member of the Authority shall be a member of the Town Council" therefore this ordinance would repeal this section and allow a new member to be appointed. All terms will now be 4-year terms to be staggered with 2 regular appointments every 2 years. The person appointed to fill the vacancy on the Liquor Licensing Authority caused by the ending of the term of office of Jeffrey Bergeron shall serve only until September 2009, at which time a person shall be appointed for a term of four years. This ordinance will go into effect on April 1, 2008.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Dr. Warner moved to approve Council Bill No 1, Series 2008 on second reading. Mr. Mamula made the second. The motion passed 7-0.

NEW BUSINESS

A. EMERGENCY ORDINANCE, SERIES 2008-

1. Council Bill No. 2, Series 2008- AN ORDINANCE AMENDING ORDINANCE NO. 2, SERIES 2008, RELATING TO THE TOWN'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008 AND DECLARING AN EMERGENCY

Tim Berry commented that this ordinance amends certain provisions of the ordinance adopted by the Council on January 8, 2008 (the "Original Ordinance"), which authorized the issuance of the Town's General Obligation Refunding Bonds, Series 2008 (the "2008 Bonds"). The purpose of the amendment is to authorize the refunding of less than all of the Town's currently outstanding General Obligation Bonds, Series 1998 (the "1998 Bonds") and General Obligation Bonds, Series 1999A (the "1999A Bonds"). Currently, the Original Ordinance only authorizes the refunding of all the 1998 Bonds and 1999A Bonds maturing on and after December 1, 2009. However, the current market will not support a refunding of all such bonds. Therefore, the plan of finance for the 2008 Bonds calls for the refunding of most, but not all,

of the 1998 Bonds and 1999A Bonds that have not yet been repaid. The Amending Ordinance authorizes the Town to accomplish this partial refunding. The ordinance is presented in emergency form in order to avoid delaying the closing of the 2008 Bonds, currently scheduled for January 23, 2008.

Mayor Blake commented that the Council does not easily pass emergency ordinances and that it is to benefit the Town by saving over \$100,000. He hoped no one would feel cheated by not being able to have a second reading.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Millisor moved to approve Emergency Council Bill No. 2, Series 2008. Mr. Mamula made the second. The motion passed 7-0.

B. FIRST READING OF COUNCIL BILLS, SERIES 2008

1. Council Bill No. 3, Series 2008- AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH JOSEPH S. MILLER AND BRADDOCK HOLDINGS, LLC, a Colorado limited liability company (Extended Vested Property Rights—Stan Miller Master Plan)

Tim Berry commented that a formal application for the Master Plan for the combined Miller Annexation and Braddock Holdings properties would be submitted. In connection with that application and the annexation of the Miller property, the applicants consistently have expressed the need for extended vesting for a period of eighteen years therefore a separate development agreement for the extended vesting must occur.

On Page 96, line 18 a development permit application number needed to be inserted, 2008006 and on lines 38-42 needs to be stricken except for the language that states that the Council will not refer the matter to the Planning Commission.

Ms. McAtamney moved to approve Council Bill No. 3, Series 2008 on first reading with the changes that on Page 96, line 18 a development permit application number needed to be inserted, 2008006 and on lines 38-42 needs to be stricken except for the language that states that the Council will not refer the matter to the Planning Commission. Mr. Mamula made the second. The motion passed 7-0.

2. Council Bill No. 4, Series 2008- AN ORDINANCE AUTHORIZING THE GRANTING OF A SIGN EASEMENT TO B & D LIMITED PARTNERSHIP

Tim Berry commented that in 2006 the Town approved a sign variance to authorize the placement of a 28 square foot off-premise sign for the new Breckenridge Building Center building. The proposed location of the sign is on property owned by the Town. Therefore, in order to finalize the sign that was approved in 2006 it is necessary for the Town to grant the BBC permission to place its new sign on Town property. The sign is proposed to be located near the intersection of Highway 9 and the new BBC as more clearly depicted in the proposed easement.

Pursuant to the proposed Easement, B & D will pay the Town \$500 per year for the easement grant. The rental is to be paid in 5-year installments to minimize the accounting for both parties. If B & D should fail to pay the required rental, the Town can terminate the easement and require B & D to reconvey the easement to the Town, thereby clearing the Town's title to the land.

Mr. Bergeron moved to approve Council Bill No. 4, Series 2008 on first reading. Mr. Mamula made the second. The motion passed 7-0.

3. Council Bill No. 5, Series 2008- AN ORDINANCE AUTHORIZING A SECOND AMENDED GRANT OF EASEMENTS TO B & D LIMITED PARTNERSHIP

Tim Berry handed out a map to show the location of the new proposed road. Last year the Town entered into an amended agreement with B & D Limited Partnership, the developer of the new BBC building, concerning the access to the new BBC building. Because the new access was to be constructed over Town-owned land it required the Town to grant B & D an easement.

Since then, the Town Engineer has determined that the new BBC access would work better if it were made to align with the proposed new Stan Miller Drive. He thought it made the best sense for B & D to build the first phase of what will become Stan Miller Drive in the preferred location. Doing this will avoid waste; the road can be built once in the correct location and no part of the road will have to be realigned to match up with the final alignment of Stan Miller Drive.

As a result, the Town Engineer requested that the BBC access be placed in a new alignment that will fit with the ultimate alignment of Stan Miller Drive, instead of in the location described in the 2007 amended agreement. Using this new alignment would mean that portions of two of B & D's existing ingress and egress easements will not need to be improved and can be totally eliminated. B & D agreed to the change in the alignment of its access, and further agreed to donate to the Town at no cost a couple of small parcels of land that are required for the ultimate construction of Stan Miller Drive as currently designed.

As part of the realignment proposal, the Town Engineer agreed that (subject to final Town Council approval) the Town would pay B & D the additional costs that it will incur to build its access in the new alignment requested by the Town (that is, the incremental difference between the cost of the road in the new alignment and what it would have cost B & D to build the road in the previously approved alignment).

This proposed agreement would supersede the 2007 agreement in its entirety. The proposed agreement provides for both a permanent easement to serve the new BBC building, as well as a temporary easement that is to be used by B & D to provide access to the new BBC building only so long as CDOT

permits access to the temporary easement premises from Highway 9. It is unclear at this time how long CDOT will allow the temporary easement to be used. The permanent easement is to be eliminated and reconveyed to the Town when Stan Miller Drive is constructed and made a public road. The locations of the new permanent easement and the temporary easement are both shown in the exhibits to the Easement Agreement.

The provisions concerning the Town's agreement to pay for the incremental cost difference incurred by B & D in constructing the access road in the new location are set forth in Section 8 of the Easement Agreement. B & D is still calculating what it would have cost to build the road in the previously approved alignment, and such cost is currently left blank in Section 8. This amount will be finally determined before the time of second reading of the ordinance. Once that figure is calculated and agreed to, the Town's financial obligation under the proposed new agreement would be determined by subtracting the agreed costs to construct the road in the old alignment from B & D's actual costs (based on invoices) to construct the road in the new alignment. The most recent information received from B & D suggests that the Town's share of the costs is expected to be about \$20,000.

Steve West commented that Mr. Mamula was distressed about the Town incurring costs. The reason the road didn't get laid out was because the Town didn't own all the property and they couldn't lay the road out there because the Town didn't own it. There were never any discussions in 2003 or 2005 of an annexation. The town engineer decided it was better to change the access road. Because the BBC had not budgeted for that the Town is picking up the additional costs.

Mr. Bergeron moved to approve Council Bill No. 5, Series 2008 on first reading. Dr. Warner made the second. The motion passed 7-0.

C. RESOLUTIONS, SERIES 2008

1. A RESOLUTION APPROVING AN ANNEXATION AGREEMENT WITH JOSEPH S. MILLER AND BRADDOCK HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY (Miller — 40.41 acres, more or less)

Tim Berry commented that as part of the annexation process the Town negotiates a formal annexation agreement, which must be adopted by the Council.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Rossi moved to approve the Resolution, Series 2008 with the changes handed out to Council, pages 14 & 23 section 4.1, lines 3-5. Mr. Bergeron made the second. The motion passed 7-0.

2. A RESOLUTION APPOINTING PETER GROSSHUESCH AS THE TOWN OF BRECKENRIDGE'S REPRESENTATIVE ON THE NORTHWEST COLORADO COUNCIL OF GOVERNMENTS

Tim Berry commented that this resolution would allow a senior staff representative, Peter Grosshuesch, to represent the Town on NWCCOG.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Ms. McAtamney moved to approve the Resolution, Series 2008. Mr. Mamula made the second. The motion passed 7-0.

3. A RESOLUTION APPROVING AN AGREEMENT WITH THE COLORADO ASSOCIATION OF TRANSIT AGENCIES AND THE MEMBERS OF THE COLORADO TRANSIT COALITION

Tim Berry commented that the resolution would approve the 2008 CASTA agreement (for Federal Fiscal year 2009 appropriations request) and would allow us to participate in Federal 5309 Funding program.

Mayor Blake asked for public comment. There was no comment. He closed the public hearing.

Mr. Bergeron moved to approve the Resolution, Series 2008. Dr. Warner made the second. The motion passed 7-0.

D. OTHER

PLANNING MATTERS

• Planning Commission Decisions of January 15, 2008.

With no requests for call up, Mayor Blake stated the Planning Commission decisions of the January 15, 2008 meeting will stand as presented.

• Town Council Representative Report.

Dr. Warner commented that in the minutes under his Town Council Report it says that the separation of the ground floor offices was supported but did not reflect that the Council voted 5-2.

REPORT OF TOWN MANAGER AND STAFF

Tim Gagen, Town Manager, commented that staff will try to have a public input process for the Ground Floor Office Space discussion in the beginning of February.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Report of Mayor (CAST)

Mayor Blake had nothing to report.

B. Breckenridge Open Space Advisory Commission (Mr. Bergeron)

Mr. Bergeron commented that there have been some questions of Gondola operation hours. The gondola is not running as the ski area said it would (an hour earlier and an hour later). BOSAC was divided as to whether they even want to say anything

about running it an hour earlier and later because of wildlife concerns. Have proposed and approved a VERP plan, Visitor Experience Resource Protection Program which will cost \$26,000. Mr. Mamula questioned what we are getting for \$26,000. Doesn't it seem like a lot of money? Heide Anderson commented that it is two sided and it came from the Cucumber Gulch Master Plan. It will help them determine how the visitors are experiencing it and the Resource Protection, how things are degrading, wetlands impacts, wildlife migration, counters, help to set up a protocol, etc. Dr. Warner commented that there were several citizens at the Planning Commission meeting that were requesting increased hours to lighten the traffic load that will occur from the Shock Hill Lodge and Spa. Mr. Gagen commented that he did talk to Lucy Kay and Rick Sramek about the preliminary agreement and the financing agreement which do not have anything about exact operating hours except that the preliminary agreement states that it will operate before and after ski area opening and closing and that operating hours will periodically be discussed. It does state, however, in one of the conditions of the Planning Approval that it will stay open an hour before and after. Rick Sramek asked Tim to apologize to the Council because they forgot that and have been doing it 45 min before and after but they are willing to do it an hour before and after. BOSAC took into consideration the sign fees. The last bid came in at \$1200 and they are adamant that they would like to hire a graphic designer to design a new sign. Some Council members agreed that it was a waste of \$1200 and that they should go with a sign company that will do both the design and the construction. Mr. Rossi commented that with the amount of money that we just spent on the way-finding, why wouldn't we just go with that type of sign. Heide commented that to go through Design Workshop would cost more. Erin McGinnis who put in the bid has done work with the Town before. Dr. Warner was glad to go back to Erin McGinnis and is surprised that we are talking about \$1200 when the advisory board is supposed to be making these recommendations. They also talked about the trails plan and what we have and what needs to be done to the trails (a wish list for the trails).

C. BRC (Mr. Rossi)

Mr. Rossi had nothing to report.

E. Multi-Jurisdictional Housing Authority (Mr. Millisor)

Mr. Millisor had nothing to report.

F. Breckenridge Heritage Alliance (Ms. McAtamney)

Ms. McAtamney had nothing to report. Carter Museum is coming along.

F. Liquor Licensing Authority (Mr. Bergeron)

Mr. Bergeron commented that there is a memo and the LLA annual report in the packets.

OTHER MATTERS

Susan Allen Guerra- was not able to make it to Citizen Comment. There are no sidewalks on airport road and kids are walking on the streets and it is a very dangerous situation.

Mr. Mamula commented on the VRDC meeting today. He said that he is planning on being very frank with the consultants so he encouraged the Council to make sure to tell him when they have strong feelings about something. Already started talking about height, grade issues, connection to Town, parking, etc. They would like to make this comprehensive and see how much we can get in one fell swoop. They talked about the Skier Services Building. They are potentially talking about coming to the Town with a plan in the spring. He knows it is a very important thing and he feels honored that the Council is willing to have him represent the Town on this. It was a good meeting. Mr. Rossi and Mr. Millisor agreed that periodic updates to the Council would be beneficial. Mr. Gagen said they would incorporate that into public projects.

Mr. Millisor commented that the numbers that he quoted a few weeks ago in regard to the ball fields was accurate. They do have a task force and they are very passionate about it.

Tim Gagen commented that the Committee did review the letter that they got from the School District in regard to the land for affordable housing. Basically the school district said that they were not willing to give up land without knowing the impact of the student population and need for more schools but if the Town would be willing to give them other land for schools they would be willing to give their land for teacher housing. The town is not interested in exchanging land for land.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss the regular meeting was adjourned at 8:28 pm.

Submitted by Alison Kellermann, Administrative Services Coordinator

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

Ernie Blake, Mayor