

CALL TO ORDER AND ROLL CALL

Mayor Warner called the June 10, 2008 Town Council Meeting to order at 7:34 p.m. The following members answered roll call: Mr. Bergeron, Mr. Joyce, Mr. Mamula, Ms. McAtamney, Mr. Millisor, Mr. Rossi, and Mayor Warner.

APPROVAL OF MINUTES – May 27, 2008 Regular Meeting

With no changes, Mayor Warner declared the minutes were approved.

APPROVAL OF AGENDA

Town Manager, Tim Gagen,

COMMUNICATIONS TO COUNCIL

A. Citizens Comment - (Non-Agenda Items ONLY; 3 minute limit please)

1. Paul Hinchins- Tommyknockers Inc & Country Boy Mines- Asked if Council received the memo he sent to Council. They all agreed that they had received the memo. There was some discussion. He has been told he can not bring another caterer in and Gilchrist is refusing to provide catering.

B. BRC Director's Report- Corry Mihm- Welcome Center numbers for May still had a growth over last year even though it is the slowest month of the year. 80% increase of visitors in the Welcome Center from last year. Hours are 9am-9pm again for the summer. CNN was here yesterday. Corry passed out an article from the Tampa Tribune. Kingdom Days this weekend. Town Party is on Friday and Friends Welcome Awards will be presented. Next weekend is Ride the Rockies which will end here in Breckenridge. Central Reservations Annual Meeting is coming up on the 18th at Beaver Run 10am-1pm.

CONTINUED BUSINESS

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

1. Council Bill No. 22, Series 2008- AN ORDINANCE AMENDING POLICY 5 (ABSOLUTE) (“ARCHITECTURAL COMPATIBILITY”) OF SECTION 9-1-19 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, BY ADOPTING PROVISIONS CONCERNING SOLAR PANELS; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE DEVELOPMENT CODE

Town Attorney Tim Berry explained that this ordinance proposes to adopt regulations concerning the placement of solar panels in the Town. There were no changes from first reading.

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

Mr. Bergeron moved to approve Council Bill No. 22, Series 2008 on second reading. Ms. McAtamney made the second. Mr. Millisor commented that he hopes the ordinance does what we want it to do and that he hopes we continue to look at it. Motion passed 7-0.

2. Council Bill No. 23, Series 2008- AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 2 OF THE BRECKENRIDGE TOWN CODE, BY ELIMINATING THE REQUIREMENT THAT ONE MEMBER OF THE TOWN OF BRECKENRIDGE PLANNING COMMISSION BE A MEMBER OF THE TOWN COUNCIL; CREATING THE POSITION OF TOWN COUNCIL LIAISON TO THE PLANNING COMMISSION; AND PROVIDING OTHER MATTERS RELATED TO THE TOWN COUNCIL LIAISON TO THE PLANNING COMMISSION

Mr. Berry explained that several years ago, the Town Charter was amended to allow the Town Council to decide by ordinance if there should be a Town Council member serving on the Planning Commission. This ordinance will create a new position of Town Council liaison to the Planning Commission and eliminates the requirement that a Council member serve on the Commission. There were no changes from first reading.

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

Mr. Mamula moved to approve Council Bill No. 23, Series 2008 on second reading. Mr. Bergeron seconded. Motion passed 7-0.

NEW BUSINESS

A. FIRST READING OF COUNCIL BILLS, SERIES 2008-

1. Council Bill No. 24, Series 2008- AN ORDINANCE AMENDING SECTION 5-2-3-1 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE PLACEMENT AND REMOVAL OF GARBAGE CANS AND RECEPTACLES

Tim Berry commented that under the current Town Ordinance, all trash cans that are stored outside are required to have a latching mechanism that holds the lid securely to the container. The current ordinance is in conflict with all the Town trash containers on Main Street and some other containers in front of businesses. We are asking the Town Council to amend this ordinance so the secured lid section only applies to a “residential structure.” Staff does not feel this will be problematic because all of the Town Trash cans and other cans located at the front of businesses are emptied on a daily basis.

In addition we are asking to amend the ordinance to state “residential refuse receptacles can only be placed at curbside after 6:00 am on the day of pickup”. The existing ordinance was creating problems because it states containers can only be placed at curbside on the day of pickup, which technically permitted a container to be outside at 12:01 am. This allowed wildlife to get into the trash throughout the

night. This ordinance as amended, only deals with residential structures and does not change any of our rules pertaining to dumpsters.

Mr. Rossi questioned whether it includes condos. Tim Berry commented that condo associations will still be required to have their trash covered and locked. The Council wants to look into making everyone having to lock their trash cans when they are outside.

Mr. Millisor moved to approve Council Bill No. 24, Series 2008 on first reading. Mr. Rossi made the second. Motion passed 7-0.

2. Council Bill No. 25, Series 2008- AN ORDINANCE ADOPTING A SUSTAINABLE BUILDING CODE FOR THE TOWN OF BRECKENRIDGE

Tim Berry commented that the ordinance document is substantially the same as the draft Ordinance that was reviewed by Council at the May 27 work session, with the following sections added:

Section 8-4-4: Resource Guide Adopted by Reference; Authority of Building Official to Adopt Updated Versions.

Section 8-4-11: Unlawful to modify premises. (After certificate of Occupancy)

Section 8-4-12: Conflict with Building Codes

Section 8-4-13: Enforcement and Penalties

Section 8-4-14: Liabilities

Section 8-4-15: Effective Dates

The effective date of January 1, 2009 reflects Council's comments at the last work session.

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

Mr. Bergeron moved to approve Council Bill No. 25, Series 2008 on first reading. Ms. McAtamney seconded. Motion passed 7-0.

B. RESOLUTIONS, SERIES 2008

1. A RESOLUTION APPROVING A DEVELOPMENT AND CHARITABLE CONTRIBUTION AGREEMENT WITH MERCY HOUSING COLORADO CONCERNING THE DEVELOPMENT OF AN ATTAINABLE HOUSING PROJECT ON TOWN-OWNED REAL PROPERTY; AND MAKING CERTAIN LEGISLATIVE FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH

Tim Berry commented that the resolution would approve an agreement between the Town and Mercy Housing for the development of 40 to 60 affordable workforce units on the Valley Brook site.

Ms. McAtamney moved to approve the resolution, 2008. Mr. Joyce seconded. Motion passed 7-0.

2. A RESOLUTION APPROVING A LICENSE AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO (Tyrolean Radio Tower)

Tim Berry commented that the resolution would approve a license agreement with Summit County for the Tyrolean Communication Tower.

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

Mr. Bergeron moved to approve the resolution, 2008. Mr. Millisor seconded. Motion passed 7-0.

D. OTHER

1. Arts District Burn Permit

Mr. Bergeron moved to approve a special permit to allow 4 barrel firings within the Arts District of Breckenridge as part of a scheduled workshop and Arts District celebration, on June 23rd, 24th, 25th and July 6th, 2008. All burning at the barrel firings shall comply with the "Open Burning" requirements of Section 307 of the International Fire Code, 2000 Edition. In addition, the Town shall obtain an open burning permit from the Red, White & Blue Fire Department. Ms. McAtamney seconded. Motion passed 7-0.

2. Planning Commission Appointment

There was some discussion amongst the Council. A vote was taken.

The Council agreed to appoint Jim Lamb to a 2 year term and Dan Schroder to the remainder of Sean McAllister's term which ends in October.

PLANNING MATTERS

- **Planning Commission Decisions of June 3, 2008.**

With no requests for call up, Mayor Warner stated the Planning Commission decisions of the June 3, 2008 meeting would stand as presented.

- **Town Council Representative Report.**

Mr. Mamula commented on the editorial comments from the meeting. Staff has done an outstanding job of working the code in the packet. No one seemed to reference the code at all. When he was first on the Commission he had a 2 hour meeting to learn about the code which he thought was important.

REPORT OF TOWN MANAGER AND STAFF

Town Manager, Tim Gagen, commented that they need to decide who the Council wants to select as their liaison to the Planning Commission. He asked council to provide us any other meetings that they want included on the calendar. He provided RETT info for the Council.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Report of Mayor (CAST/MMC)

Mayor Warner commented on the MMC meeting. They went to Montezuma. They talked about the SLF 2030 Forecast. Senior Center requested a Housing Needs Study. Mayor Davis had brought up that the private sector should be doing that and it is not the governments' responsibility.

Mayor Warner commented that he and Tim had a meeting with Lucy K. and Rick S. from the Breckenridge Ski Area about a collaborative effort to work through the social issues for Peak 6 Expansion. He ran off a list of several topics to be discussed. They also talked about parking on Gold Rush Lot and solutions. Mr. Bergeron commented that there were over 180 letters in opposition to the Peak 6 expansion. He was comfortable with Mr. Rossi representing the Town. Lucy K. commented that she did want this group to be very public.

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

Mr. Rossi commented that there was an overview of Cucumber Gulch. From some water surveys they determined that TRPH is the highest it had been since 2001. Also at one site Zinc is much higher than anywhere else. They saw an American mink. Beaver population is increasing. Talked about improvements at Reiling Dredge lot. Reviewed work plan.

C. BRC (Mr. Bergeron)

Mr. Bergeron had nothing to report.

D. Summit Combined Housing Authority (Ms. McAtamney)

Ms. McAtamney commented that they talked about goals and strategies. Elected a new chairperson. Fundraiser was last Friday.

E. Breckenridge Heritage Alliance (Mr. Joyce)

Mr. Joyce commented that they had their annual retreat and they covered 4 topics. The first one was general/admin issues. They want to be in good shape going into 2009. They spent time on reviewing Carter Museum exhibit design. General oversight of 2009 goals and CIP. Talked about engine #9 and French Gulch Signage. Concept of return on Town's investment was discussed. They want to find a way of tracking this. Joint space for non-profits was also discussed.

OTHER MATTERS

Mr. Mamula commented that he thought they had talked about the parking enforcement from 2am – 6am when it is not snowing. Ms. McAtamney commented that she has noticed a lot of graffiti. Mr. Millisor commented that the School District can't or won't do the ball fields in Breckenridge. Mayor Warner commented that the MMC decided it made sense to pool their money to get the fields back to good condition.

ADJOURNMENT

At 9:09p.m. Mr. Rossi moved to that the Town Council go into executive session pursuant to Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions.

At 9:20 p.m., Mr. Mamula moved to adjourn the executive session. Mr. Rossi made the second. The motion passed unanimously.

With no further business to discuss the regular meeting was adjourned at 9:20 pm.

Submitted by Alison Kellermann, Administrative Services Manager

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor