

***CALL TO ORDER and ROLL CALL***

Mayor Warner called the September 23, 2008 Town Council Meeting to order at 7:44 p.m. The following members answered roll call: Mr. Joyce, Ms. McAtamney, Mr. Millisor, Mr. Mamula, Mr. Rossi, and Mayor Warner. Mr. Bergeron was absent

***APPROVAL OF MINUTES – September 9, 2008 Regular Meeting***

There were two changes to the minutes as follows: the final vote on Council Bill No. 36, Series 2008 should read “The motion passed 6-1.” On Page 2 of the minutes, change Ms. McAtamney’s comment to read “Maybe want to restrict areas where there is congestion.” With those two changes made, Mayor Warner declared the minutes were approved.

***APPROVAL OF AGENDA***

Assistant Town Manager Kate Boniface noted the addition of four Resolutions authorizing the purchase of mining claims as part of the open space program. With those additions, the agenda was approved.

***COMMUNICATIONS TO COUNCIL***

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

Karyn Contino, realtor, questioned Council about Town laws concerning “open house” signs. She felt that in the current economic market realtors need every advantage and would like the ability to place more than one sign on a property. Ms. Contino believes that open houses are a form of entertainment and that people like to come into open houses. She asked the Town Council to help realtors and to help the community. Ms. Contino expressed that she is offended when she see banners on Main Street advertising temporary businesses, such as the arts & crafts fairs, the antique market or Oktoberfest. She feels realtors need the Town Council’s help and the Town Council needs the realtors help to market houses that need to be sold. Ms. Contino presented about 30 letters from other realtors that could not attend the meeting.

Alan Johnson, realtor, asked if Town Council could establish criteria or come up with a way of presenting Open House signs so they are acceptable. Mr. Johnson expressed that he does not like when police remove signs or people get tickets, and that it seems rather heavy handed for a profession that provides so much support and revenue to the Town. Mr. Johnson explained people feel more comfortable coming into an open house, and that it is less intimidating than coming into a real estate office.

Dan Corwin, realtor, couldn’t understand why the sign code is the way it is. Mr. Corwin expressed that he is willing to work with the Town Council to come up with solutions if Council can provide some guidelines such as sign size, design, and location. He believes this issue needs to be addressed, and that the signs can be tasteful and made to fit into the look of the Town. Mr. Corwin stated he was seeking support and direction from the Council to work together on this matter.

Bonnie Arnold, Summit Association of Realtors, was present to support the Breckenridge realtors who feel very strongly about this matter. Ms. Arnold noted that all the communities in the county have different rules, and that she would like to see consistency. She challenged the Council to come up with a good working solution in Breckenridge that could perhaps be applied to the rest of the county.

Ali Hasan, candidate for House District 56, introduced himself. He explained that he is running for office because he wants the Western Slope to have a strong voice at the capital. He would like have a good relationship with Town Council and to keep the communication lines open. In response to recent media coverage, Mr. Hasan explained he feels fortunate that he does not have to accept money from anyone to fund his campaign.

Tom Langseth, realtor, believes there is a need that is being missed. Mr. Langseth believes the sellers need help and asked that Council address open house signs before it is too late.

Mayor Warner polled the citizens in attendance on the sign matter and all were in favor of changes to the sign code.

Rob Neyland, realtor, agreed with Ms. Contino’s comments except for those about special events. He believes that the Real Estate Transfer Tax may be viewed by some as an automatic revenue stream and that there is a feeling that real estate sales happen automatically and effortlessly because of the product we have here. With changes in the economic tides, Mr. Neyland hopes we can sustain this product. He asked for Town Council participation in the process.

Mayor Warner wrapped up the discussion, letting everyone know they had been heard, that Council will discuss the matter and will consider giving staff some direction on the sign issue.

***CONTINUED BUSINESS***

**A. SECOND READING OF COUNCIL BILL, SERIES 2008 - PUBLIC HEARINGS\*\***

**1. Council Bill No. 37, Series 2008- AN ORDINANCE PROVIDING FOR AN INCREASE IN THE COMPENSATION PAID TO MEMBERS OF THE BRECKENRIDGE PLANNING COMMISSION**

Town Attorney Tim Berry reviewed this ordinance to increase compensation to members of the Planning Commission effective January 1, 2009 to \$4,800 annually, payable at a rate of \$400 per month. There were no changes from first reading.

Mr. Millisor moved to approve Council Bill No. 37, Series 2008 on second reading. Mr. Mamula made the second. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. Mr. Rossi mentioned that this increase should be funded by an increase in planning review fees. The motion passed 6-0.

**2. Council Bill No. 38, Series 2008- AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO**

Mr. Berry explained that this ordinance, together with the following two ordinances, grant easements to certain parties to replace federal easements, as required as part of the Snake River Land Exchange. There were no changes from first reading.

Mr. Mamula moved to approve Council Bill No. 38, Series 2008 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 6-0.

**3. Council Bill No. 39, Series 2008- AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO BRECKENRIDGE SANITATION DISTRICT**

As with the prior ordinance, Mr. Berry commented that this ordinance authorizes a replacement easement as part of the Snake River Land Exchange. There were no changes from first reading.

Mr. Rossi moved to approve Council Bill No. 39, Series 2008 on second reading. Mr. Millisor seconded the motion. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. The motion passed 6-0.

**4. Council Bill No. 40, Series 2008- AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO CLAIMJUMPER CONDOMINIUM ASSOCIATION, INC.**

Mr. Berry explained that, in connection with the upcoming closing, the Town is required to replace an existing federal easement. There were no changes from first reading.

Mr. Mamula moved to approve Council Bill No. 40, Series 2008 on second reading. Ms. McAtamney seconded the motion. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. The motion passed 6-0.

**5. Council Bill No. 41, Series 2008- AN ORDINANCE APPROVING A DEED OF DEDICATION FOR THE CUCUMBER GULCH "WEDGE" PARCEL (16.80 acres, more or less)**

As part of Snake River Land Exchange, Mr. Berry explained that the Town anticipates acquiring this parcel. As part of the acquisition, the Town will agree to dedicate the parcel as open space. There were no changes from first reading.

Mr. Mamula moved to approve Council Bill No. 41, Series 2008 on second reading. Ms. McAtamney seconded the motion. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed. The motion passed 6-0.

**NEW BUSINESS**

**A. FIRST READING OF COUNCIL BILL, SERIES 2008 –**

NONE

**B. RESOLUTIONS, SERIES 2008-**

**1. A RESOLUTION AMENDING THE TOWN COUNCIL "PROCEDURES AND RULES OF ORDER" CONCERNING THE TIME FOR THE COMMENCEMENT OF REGULAR COUNCIL MEETINGS AND THE ELIMINATION OF THE CONSENT CALENDAR**

Mr. Berry informed that by Charter, the Town Council is required to adopt procedures governing its business. This resolution authorizes the Council by majority consent to change the date and time of a Town Council meeting and also removes the reference to the consent calendar, which has not been in use since the Liquor Licensing Authority was established. A copy of the proposed amendments was handed out to the Town Council two weeks ago as required by the Rules.

Mr. Millisor questioned how notice would be given and felt that more than 24 hours' notice should be required. There was a discussion about "transparency" and it was suggested that maybe one week's notice would be more appropriate. Mr. Rossi disagreed. Mr. Berry suggested additional language could be added to the end of Line 10. The Council's rules contain emergency meeting procedures, and Council retains the discretion to call an emergency meeting sooner, if necessary.

Mr. Mamula moved to approve A Resolution Amending the Town Council "Procedures and Rules of Order" Concerning The Time For The Commencement Of Regular Council Meetings And The Elimination Of The Consent Calendar. Mr. Rossi seconded the motion.

Mr. Millisor then moved to amend the motion to add a sentence on the end of Line 10 to read "Public notice of the date and time of any regular meeting shall be given at least one week in advance." Ms. McAtamney seconded the motion. After discussion, Mr. Millisor withdrew the motion to amend and Ms. McAtamney withdrew her second. There was further discussion about taking minutes at work sessions and/or allowing the public more access to work sessions. Council was in general agreement.

The motion passed 6-0.

**2. A RESOLUTION APPROVING A SECOND AMENDMENT TO EMPLOYMENT AGREEMENT WITH TIMOTHY J. GAGEN**

Ms. Boniface noted that the Council recently performed a performance evaluation on the Town Manager. As part of this process, the Council agreed to change his compensation. At Mr. Gagen's request, rather of giving an actual pay raise, Council will provide an equivalent amount of money to be set aside for future contributions to medical coverage payments or other uses.

Mr. Millisor moved to approve A Resolution Approving a Second Amendment to Employment Agreement with Timothy J. Gagen. Ms McAtamney seconded the motion. The motion passed 6-0.

**3. A RESOLUTION RATIFYING AND APPROVING A REAL ESTATE OPTION AGREEMENT BETWEEN THE TOWN OF BRECKENRIDGE, THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, AND PAUL HARDWICK (Vanderbilt Claim, Mineral Survey No. 200)**

Mr. Berry explained that this resolution and the following three resolutions would approve Real Estate Option Agreements between the Town and Summit County with respect to certain open space parcels the Town and County would like to acquire. The resolutions will ratify Tim Gagen's prior signature on the option agreements.

Mr. Millisor moved to approve A Resolution Ratifying and Approving a Real Estate Option Agreement between the Town of Breckenridge, The Board of County Commissioners of Summit County, And Paul Hardwick (Vanderbilt Claim, Mineral Survey No. 200). Mr. Mamula seconded the motion. The motion passed 6-0.

**4. A RESOLUTION RATIFYING AND APPROVING A REAL ESTATE OPTION AGREEMENT BETWEEN THE TOWN OF BRECKENRIDGE, THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, AND MICHAEL MUNOZ AND KERRY MUNOZ (White Cloud Claim, Mineral Survey No. 8313)**

Mr. Joyce moved to approve A Resolution Ratifying and Approving a Real Estate Option Agreement between the Town of Breckenridge, The Board of County Commissioners of Summit County, And Michael Munoz and Kerry Munoz (White Cloud Claim, Mineral Survey No. 8313). Mr. Mamula seconded the motion. The motion passed 6-0.

**5. A RESOLUTION RATIFYING AND APPROVING A REAL ESTATE OPTION AGREEMENT BETWEEN THE TOWN OF BRECKENRIDGE, THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, AND RICHARD MCQUEARY AND JANE KEMP (Camp Bird Claim, Mineral Survey No. 8313)**

Council questioned why this Claim had the same Mineral Survey Number (8313) as the prior Claim. Mr. Berry explained the claims were adjacent and that this was not unusual.

Ms. McAtamney moved to approve A Resolution Ratifying and Approving a Real Estate Option Agreement between the Town of Breckenridge, The Board of County Commissioners of Summit County, And Richard Mcqueary and Jane Kemp (Camp Bird Claim, Mineral Survey No. 8313). Mr. Rossi seconded the motion. The motion passed 6-0.

**6. A RESOLUTION RATIFYING AND APPROVING A REAL ESTATE OPTION AGREEMENT BETWEEN THE TOWN OF BRECKENRIDGE, THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, AND ROBERT SMALL (Ravan Lode, Mineral Survey No. 3631A)**

Mr. Rossi moved to approve A Resolution Ratifying and Approving a Real Estate Option Agreement between the Town of Breckenridge, The Board of County Commissioners of Summit County, And Robert Small (Ravan Lode, Mineral Survey No. 3631a). Mr. Millisor seconded the motion. The motion passed 6-0.

**C. OTHER**

**1. Burn Permit for Fuel Break on Tract D, Highlands Park**

Planner Jennifer Cram explained that a burn permit from the Town is needed as part of this fuel break project. Red White and Blue will be very cautious with the burn and will only proceed when conditions are right. Council questioned the size of the fire break. Ms. Cram informed that it doesn't necessarily stop a forest fire, but can slow the velocity and allow for heavy equipment access. Ms. Cram noted that this fuel break is being funded by a grant from the State to the Town and the Fire Department. The location was chosen because it is Town open space.

Ms. McAtamney moved to approve a special permit to allow the open burning of slash piles related to the fuel break project on Tract D, Highlands Park Subdivision as soon as weather is appropriate as recommended by the Red, White and Blue Fire District. All burning of the slash piles 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. Mr. Mamula seconded the motion. The motion passed 6-0.

**PLANNING MATTERS**

**A. Planning Commission Decisions of September 16, 2008**

With no requests for call up, Mayor Warner stated the Planning Commission decisions of the September 16, 2008 meeting would stand as presented.

**B. Report of Planning Commission Liaison**

No report.

***REPORT OF TOWN MANAGER AND STAFF\****

Planner Mark Truckey reported that the county permit on the MBJ parcel had expired and the applicant is requesting to renew it. The Council previously sent a letter to the County outlining concerns with the permit, and a letter reiterating those concerns has been submitted to County planning staff. Ms. Boniface will provide Council with the sequence of the review process.

The Council then took up the Open House Sign issue. Senior Planner Chris Neubecker believed the current sign legislation was put into effect in 1996, to address issues the Town was having with too many signs. In recent years, the Council has allowed off-site signs for the Parade of Homes, since the event raises money for charity and because it was viewed as bringing people from outside the area into the community, similar to an event.

Council recognized the impact signs can have on sales leads, and that the Town is at a downturn in real estate sales. Suggestions included: see if we can work something out, make signs conforming, green, certain size and color, create something that has the look and feel of Breckenridge, would like uniformity, no company logos, only one sign on a corner. There was discussion about limiting or not allowing open house signs in certain areas such as major intersections, the core or historic district, and only allowing signs to be up for the duration of the open house. It was suggested the decision should be made if it is the right thing to do and not just based on a downturn in the economy because it could be hard to rescind.

Staff was directed to work with the real estate community on a solution.

***REPORT OF MAYOR AND COUNCILMEMBERS\****

- A. **CAST/MMC (Mayor Warner)** – No CAST meeting; managers meeting is next week
- B. **Breckenridge Open Space Advisory Commission (Mr. Rossi)** - No report.
- C. **BRC (Mr. Bergeron)** – Mr. Bergeron was not present but forwarded a meeting synopsis.
- D. **Summit Combined Housing Authority (Ms. McAtamney)** - Meeting tomorrow.
- E. **Breckenridge Heritage Alliance (Mr. Joyce)** – Mr. Joyce reported that Engine 111 is almost done and Engine No. 9 is heading to the restorer. The Breckenridge Heritage Alliance has a new, improved website: [www.breckheritage.com](http://www.breckheritage.com). A retreat is scheduled on October 2 and the main topic is self funding.
- F. **Peak 6 Task Force (Mr. Rossi)**- There was no meeting. Council is invited to the ski area management meeting at The Village Forest Room on Wednesday at 9:15 a.m.

***OTHER MATTERS***

Mr. Mamula brought up the idea of making work sessions more accessible to the public either by taking minutes, videotaping or providing additional public notice. He was concerned that a lot of business is discussed starting at 3 p.m. when many people are at work, and often not as much discussion occurs during the evening meeting.

Ms. McAtamney asked if the Town would look into the idea of a solar sales tax exemption.

To protect the Rec Department fields, Mr. Rossi suggested that baseball games be called when it is pouring rain to minimize damage. Mayor Warner suggested the Town consider artificial turf for its athletic fields.

Mr. Rossi noted that a traffic study is forthcoming. He understands that the Police Department may have a speed display sign in storage. If so, he would like to see the sign put into use.

Mr. Millisor noticed a math error in the Capital Improvement Plan.

***SCHEDULED MEETINGS***

***ADJOURNMENT***

With no further business to discuss, the meeting adjourned at 9:19 p.m.

ATTEST:

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Mary Jean Loufek, CMC, Town Clerk

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John Warner, Mayor