

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
**Tuesday, August 27, 2013**  
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**CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of August 27, 2013 to order at 7:36 pm. The following members answered roll call: Mr. Burke, Mr. Gallagher, Mr. Brewer, Ms. McAtamney, Ms. Wolfe, Mr. Dudick and Mayor Warner.

**APPROVAL OF MINUTES – AUGUST 13, 2013**

With no changes or corrections to the meeting minutes of August 13, 2013, Mayor Warner declared they would stand approved as submitted.

**APPROVAL OF AGENDA**

Mr. Gagen stated there were no changes to the agenda.

**COMMUNICATIONS TO COUNCIL**

- A. Citizen's Comment - (Non-Agenda Items ONLY: 3-minute limit please)  
Mayor Warner opened Citizen's Comments.  
Mr. Eric Mamula, a local business owner, thanked the Council, staff and volunteers for a great job during the USA Pro Cycling Challenge.  
Mr. Dick Carleton, also a business owner, stated he agreed with Mr. Mamula regarding the success of the USA Pro Cycling Challenge. Mr. Carleton gave accolades to Town staff, including the Police Chief and police staff, as well as the local organizing committees and volunteers.  
Mr. Ken Nelson, a business owner and President of the Breckenridge Chapter of the Restaurant Association, read a letter into the record addressed to the Council regarding the Association's support of the USA Pro Cycling Challenge.  
With no further comments, Mayor Warner closed the citizen comments section.
- B. Red, White and Blue Fire District Update  
Mr. Jay Nelson, Deputy Fire Chief of Red, White and Blue Fire Rescue, presented fire mitigation updates and stated the Colorado State Forest Service is involved in helping Red, White and Blue achieve the National Fire Protection Association's (NFPA) Firewise Community designation. He further stated the goal is to submit this application by the end of next year.
- C. Breckenridge Resort Chamber Update  
Mr. John McMahan, Breckenridge Resort Chamber Director, complimented staff on the work for the USA Pro Cycling Challenge, and for the additional press from the event. Mr. McMahan stated Central Reservations is being outsourced to Utah-based VacationRoost effective October 15, 2013, but the GoBreck website will continue.

**CONTINUED BUSINESS**

- A. Second Reading of Council Bills, Series 2013 - Public Hearings
1. COUNCIL BILL NO. 30, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 1 OF TITLE 3 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE SALES TAX ORDINANCE"; AND MAKING RELATED AMENDMENTS TO THE BRECKENRIDGE TOWN CODE  
Mayor Warner read the title into the minutes. Mr. Dudick and Mayor Warner recused themselves due to a conflict of interest. Mayor Pro Tem McAtamney reread the title into the minutes. Mr. Berry stated this was a continued second reading for the ordinance, due to lack of quorum at the last meeting. He further stated the Town will receive no increase in revenues from this Ordinance. Mayor Pro Tem McAtamney opened the public hearing.

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There were no comments and the public hearing was closed.

Mr. Gallagher moved to approve COUNCIL BILL NO. 30, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 1 OF TITLE 3 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE SALES TAX ORDINANCE"; AND MAKING RELATED AMENDMENTS TO THE BRECKENRIDGE TOWN CODE. Ms. Wolfe seconded the motion.

The motion passed 5-0. Mr. Dudick and Mayor Warner abstained.

2. COUNCIL BILL NO. 31, SERIES 2013-AN ORDINANCE ESTABLISHING THE "TOWN OF BRECKENRIDGE CHILDCARE FUND"; AND PROVIDING DETAILS IN CONNECTION WITH THE ADMINISTRATION OF SUCH FUND

Mayor Warner read the title into the minutes. Mr. Berry stated this is a companion ordinance to Council Bill 29, Series 2013, regarding the election question. There is one proposed change from the first reading: The last sentence on page 3, paragraph 3-10-2 beginning with "Monies..." was removed. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Ms. McAtamney moved to approve COUNCIL BILL NO. 31, SERIES 2013-AN ORDINANCE ESTABLISHING THE "TOWN OF BRECKENRIDGE CHILDCARE FUND"; AND PROVIDING DETAILS IN CONNECTION WITH THE ADMINISTRATION OF SUCH FUND. Mr. Brewer seconded the motion.

The motion passed 7-0.

3. COUNCIL BILL NO. 32, SERIES 2013 - AN ORDINANCE APPROVING A LONG-TERM LEASE WITH THE BRECKENRIDGE OUTDOOR EDUCATION CENTER, A COLORADO NON-PROFIT CORPORATION (F&D PLACER)

Mayor Warner read the title into the minutes. Mr. Berry stated that an Ordinance is required for any lease exceeding a one year term, and this lease replaces the existing lease set to expire shortly. Mr. Berry further stated there are no changes from the first reading. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Gallagher moved to approve COUNCIL BILL NO. 32, SERIES 2013 - AN ORDINANCE APPROVING A LONG-TERM LEASE WITH THE BRECKENRIDGE OUTDOOR EDUCATION CENTER, A COLORADO NON-PROFIT CORPORATION (F&D PLACER). Mr. Burke seconded the motion.

The motion passed 7-0.

4. COUNCIL BILL NO. 33, SERIES 2013 - AN ORDINANCE AUTHORIZING THE SALE OF TOWN-OWNED REAL PROPERTY (308 North French Street – Hasenstab)

Mayor Warner read the title into the minutes. Mr. Berry stated that per the Town's Charter all property sales must be done by Ordinance and there are no changes from the first reading. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Ms. Wolfe moved to approve COUNCIL BILL NO. 33, SERIES 2013 - AN ORDINANCE AUTHORIZING THE SALE OF TOWN-OWNED REAL PROPERTY (308 North French Street – Hasenstab). Mr. Burke seconded the motion.

The motion passed 7-0.

**NEW BUSINESS**

- A. First Reading of Council Bills, Series 2013

1. COUNCIL BILL NO. 34, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 14 OF TITLE 4 OF THE

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**BRECKENRIDGE TOWN CODE CONCERNING THE LICENSING AND  
REGULATION OF MEDICAL MARIJUANA BUSINESSES AND RETAIL  
MARIJUANA ESTABLISHMENTS.**

Mayor Warner read the title into the minutes. Ms. Wolfe excused herself due a potential conflict of interest. Mr. Berry stated that Council members will vote today on the version of the ordinance contained in the packet, not any changes that will happen for subsequent readings.

Ms. McAtamney moved to approve COUNCIL BILL NO. 34, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE LICENSING AND REGULATION OF MEDICAL MARIJUANA BUSINESSES AND RETAIL MARIJUANA ESTABLISHMENTS. Mr. Burke seconded the motion.  
The motion passed 6-0. Ms. Wolfe abstained.

2. **COUNCIL BILL NO. 35, SERIES 2013 - AN ORDINANCE AMENDING CHAPTER 3  
OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING CERTAIN  
VALUE-BASED MUNICIPAL OFFENSES**

Mayor Warner read the title into the minutes. Chief Haynes stated this ordinance will increase the limits of misdemeanor municipal value-based offenses from \$1,000 to \$2,000, allowing officers to write citations into Municipal rather than County court.

Mr. Brewer moved to approve COUNCIL BILL NO. 35, SERIES 2013 - AN  
ORDINANCE AMENDING CHAPTER 3 OF TITLE 6 OF THE BRECKENRIDGE  
TOWN CODE CONCERNING CERTAIN VALUE-BASED MUNICIPAL OFFENSES.  
Mr. Burke seconded the motion.  
The motion passed 7-0.

3. **COUNCIL BILL NO. 36, SERIES 2013 - AN ORDINANCE APPROVING A LONG-  
TERM LEASE WITH BEARTOWN LLC, A COLORADO LIMITED LIABILITY  
COMPANY**

Mayor Warner read the title into the minutes. Mr. Berry stated that leases written for longer than a one-year term must be approved by Council. The term for this lease is five years.

Mr. Dudick moved to approve COUNCIL BILL NO. 36, SERIES 2013 - AN  
ORDINANCE APPROVING A LONG-TERM LEASE WITH BEARTOWN LLC, A  
COLORADO LIMITED LIABILITY COMPANY. Mr. Burke seconded the motion.  
The motion passed 7-0.

B. Resolutions, Series 2013 – NONE

C. Other

**PLANNING MATTERS**

A. Planning Commission Decisions  
There was no Planning Commission meeting held last week.

B. Planning Commission Report (Ms. McAtamney)  
Ms. McAtamney stated there was no report.

**REPORT OF TOWN MANAGER AND STAFF**

This report was included at the end of the Work Session meeting.

**REPORT OF MAYOR AND COUNCILMEMBERS**

All reports were included at the end of the Work Session.

A. Cast/MMC (Mayor Warner)

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Mayor Warner stated there was no report.

- B. Breckenridge Open Space Advisory Committee (Mr. Brewer)  
Mr. Brewer stated there was no report.
- C. BRC (Mr. Burke)  
Mr. Burke stated there was no report.
- D. Marketing Committee (Ms. Wolfe)  
Ms. Wolfe stated there was no report.
- E. Summit Combined Housing Authority (Mr. Dudick)  
Mr. Dudick stated there was no report.
- F. Breckenridge Heritage Alliance (Mr. Dudick)  
Mr. Dudick stated there was no report.
- G. Water Task Force (Mr. Gallagher)  
Mr. Gallagher stated there was a meeting on August 26th and the engineers drafted a report with four critical issues: (1) Where will the new plant take its water from?; (2) Sites where the actual plant could be located – a potential of seven sites were identified; (3) Issues with designing the new plant; and (4) Sanitation District concerns with discharge.
- H. Landfill Task Force (Ms. Wolfe)  
Ms. Wolfe stated there was no report.
- I. Public Art Commission (Mr. Gallagher)  
Mr. Gallagher stated there was no report. There was no meeting since the last Town Council meeting.

**OTHER MATTERS**

**Liquor License Authority Appointments**

The four candidates for three expired terms included J.B. Katz, Turk Montepare, Bill Tatro, and Eli Yoder. Motions for appointments to the Authority were made for each candidate by the Council. J.B. Katz, Turk Montepare and Bill Tatro were appointed to four-year terms on the Liquor License Authority with the new term beginning September 17, 2013.

Ms. McAtamney stated she wanted to compliment the trail crew for doing a phenomenal job on trail cutting and maintenance. Mayor Warner stated he is seeing some trails showing signs of overuse and wants to ask BOSAC if an additional charge for racing could be tacked on for continued upkeep and maintenance costs.

Mr. Gallagher mentioned the pit bull terrier incident on Hoosier Pass during the USA Pro Cycling Challenge. He stated he believes Breckenridge should get in front of the situation and do something about aggressive dogs in general and pit bulls in particular. Mayor Warner polled the Council on their thoughts about this issue and the decision was made to charge staff with identifying problem breeds and look to see what other communities have done regarding this issue.

**SCHEDULED MEETINGS**

**ADJOURNMENT**

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With no further business to discuss at the regular meeting, the meeting was adjourned at 9:00 pm. Upon adjournment, Ms. Wolfe made a motion to resume the recessed Executive Session. Mr. Gallagher seconded the motion. Motion passed 6-1. Mr. Burke dissented.

Submitted by Susan Brown, Municipal Services Specialist.

ATTEST:

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John Warner, Mayor