

**CALL TO ORDER, ROLL CALL**

Mayor Warner called the September 13, 2011 Town Council Meeting to order at 7:31 p.m. The following members answered roll call: Ms. McAtamney, Mr. Bergeron, Mr. Mamula, Mr. Burke, Mr. Joyce, Mr. Dudick and Mayor Warner.

**APPROVAL OF MINUTES** – August 23, 2011

Mr. Dudick requested all the “3 or 4 star hotels” be changed to “4 or 5” star hotels. Mayor Warner noted under paragraph # 2 conditions say “should be looked out”, but should read “should be looked at”. Mayor Warner declared the minutes approved as corrected.

**APPROVAL OF AGENDA**

There were no changes to the agenda.

**COMMUNICATIONS TO COUNCIL**

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

Charlie Williams, co-owner of Alpenglow Botanicals expressed his concerns regarding Medical Marijuana Center (MMC) fees, citing that after one year he is being treated as a new business and charged a fee of \$7,000.000. He mentioned the impact of MMCs on the image of the town and that the MMCs have been pushed out of the main part of the town. The real problem is the drinking establishments downtown, and cited one citizen was beat to death, and a tourist froze to death and was not found until Spring. He noted the fees could cause the local MMCs to sell out to big money companies from Denver; it may drive it back to the black market; known locations are easier to regulate than unknown locations; and, the fee will not accomplish what it is after. The Council discussed the fee is an annual business license fee. Mr. Williams stated he has already been charged a first time fee, and asked the Council to give existing MMC owners a break, since they are being charged a second time. Mayor Warner mentioned the budget hearing process, including the budget retreat, which is open to the public. Mr. Gagen remarked that it is the State that has changed the entire regulatory process, and the Town has to adopt it, including requiring grandfathered centers to reapply and comply with the new rules, requiring a different fee structure.

Bryan Rogers of the Breckenridge Cannabis Club asked since the Town is trying to recoup the administrative costs to create the ordinance, is this ordinance more costly than most ordinances? He stated that with all the licensing it will cost about \$8000.00 in the first year. Mr. Gagen stated that the fee depends upon many factors, including the number of employees. Mr. Rogers argued that Medical Marijuana Centers are paying the highest fee, with liquor licensing costing about half the fee; the fee does not recoup the costs since Police, Fire, and EMT are not involved, and inspections are standard; and asked that the Council write a new ordinance to compliment the current ordinance that considers the existing businesses, since they have grandfathered the MMCs on other issues, they should be grandfathered financially. The Council discussed the current licensing fees with the State and the Town; the complicated and ambiguous rules that the Town was required to follow and enforce; and, that the Council would not respond now, but when the time is appropriate, since the Town Attorney is not here to respond legally. Mayor Warner mentioned that there was a public hearing on the ordinance, and the representatives from the MMCs were not there. Mr. Rogers stated that they were not there for the public hearing because the ordinance was for new businesses, and they were existing businesses. Mayor Warner stated that this has been a difficult process, and the Town Attorney has spent hours on this.

**B. BRC Director Report – John McMahon** mentioned that Breckenridge’s stage of the Pro Cycling Challenge was the best effort he had seen, including California, and they will find out in February if we may host a stage again; Oktoberfest is next weekend, they are 31% ahead in booking; are planning on a First Night, New Year’s Eve non-alcoholic event; have a 3-year program to re-capture foreign markets like London; cautiously optimistic about Winter, and are pacing ahead; August visitor center numbers are ahead 4 %; have seen a 20% room increase; have been to consumer shows in London, Boston and Fort Lauderdale; looking at initiatives with hotels, and quality of the combinations; have an ad hoc committee to provide properties with net promoter scores, which look at the customer experience; and, mentioned Oktoberfest has a Sunday VIP experience to allow the paying customers to have Saturday. The Council discussed the VIP tent and experience, and also the issues with the lodging units where most owners do not see the issues with their individual lodging units.

**C. Ski Area Update – Pat Campbell** mentioned the Fall Labor Day launch for season pass sales; the three basic Season Pass Types; the release of the enhanced Epic Mix, which includes two types of photo sharing; the Dew Tour is a 4-day event this year; snowmaking will begin on October 18th, with extra snowmaking on 4 o’clock; the Fun Park closes this weekend, and they had a huge line for the Coaster every day; the 50th Anniversary is December 16th, and she will let Council know about upcoming plans; have improved kids attraction trails with summer grooming, and a smaller groomer that will be able to access those features in the Winter; and, October 1st is Echo Day, which is an opportunity for Ski Resort employees to make a difference by volunteering on a restoration project with the Friends of Dillon Ranger District on the Peaks Trail.

**D. Representative Millie Hamner** spoke to the Council about visiting the 12 towns in her house district; gave her contact information to Council members; mentioned she worked closely with Mayor Warner, and Town Manager Tim Gagen, as well as, Mark Radke from CML; stated she is assigned to the Education and Transportation Committees; mentioned she supports early childhood education, and is working to get rid of bureaucracy when services and processes are duplicated; outlined the reapportionment process; and, mentioned top issues at the state level, which include medical marijuana issues such as the legal limit for driving, and the packaging of edibles so that they do not look like cookies to children. Council discussed the issues of reapportionment.

**CONTINUED BUSINESS**

**A. SECOND READING OF COUNCIL BILLS, SERIES 2011 - PUBLIC HEARINGS - None**

**NEW BUSINESS**

**A. FIRST READING OF COUNCIL BILLS, SERIES 2011**

1. Council Bill No. 35, Series 2011 – An Ordinance Amending Section 9-1-21 Of The Breckenridge Town Code By Adopting The “ Upper Blue Nordic Master Plan (Revised 2011)” As A Correlative Document To The Breckenridge Development Code

Mr. Scott Reid, of Community Development mentioned there will be one change before the second reading as discussed.

Mr. Bergeron moved to approve Council Bill No. 35, Series 2011. Ms. McAtamney seconded the motion. The motion passed 7-0.

**B. RESOLUTIONS, SERIES 2011- None**

**C. OTHER - None**

**PLANNING MATTERS**

**A. Planning Commission Decisions of September 6, 2011**

With no request to call an item off the consent calendar of September 6, 2011, the Mayor declared the Planning Commission Decisions would stand approved as presented.

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

Mr. Gagen mentioned two items both involving Medical Marijuana. The Council agreed staff should prepare a resolution in support of the Medical Marijuana Tax Ballot initiative, which would help recover legal expenses, administration costs, police expenses and the implementation of Medical Marijuana Centers. Mr. Gagen recommended a pro-con statement for the Blue Book be written before the Friday, September 16 deadline, especially in support. The Council discussed clarifying the lasting effects if the tax ballot initiative fails, the confusion with the past vote to decriminalize marijuana versus medical marijuana dispensaries; and the current public perception of marijuana in Breckenridge.

**REPORT OF MAYOR AND COUNCILMEMBERS\***

**A. CAST/MMC (Mayor Warner)-** Mayor Warner reported on a discussion on the Community Care Clinic, which is contemplating a Federal Health Clinic designation, and is currently trying to gauge the community for support; a discussion of the Dillon Dam Task Force and Denver Water Board regarding emergency preparedness for a catastrophe with the dam, which included computer-generated models, and a 40 minute time frame to react to a spillage of the dam; and, the Summit Prevention Alliance, Community Prevention Coordinator, Carli Seeba's discussion regarding licensure for tobacco sales, citing the ease of those under 18 to procure tobacco, and mentioned it is not grocery stores and Wal Mart, but smaller convenience stores. The Council discussed if these smaller venues should be licensed or there should be a ramping up of sting operations, and thought that ramping up would be easiest. Mr. Gagen stated they need to look at our ordinances and see if they are sufficient to address the issue. Mayor Warner mention Lynn Grain talked about the Solar Farm idea. Mr. Gagen reported that everyone is still cautious with the property tax decrease, personnel, and merit increases, but there are no substantial changes.

Mayor Warner reported on 3 speakers at the CAST meeting. Ralf Garrison, Director of Operations of Mountain Travel Research Program (MTRiP) discussed their products including projections, and the Mayor recommended the Town compare these numbers with John McMahon, to see if they match up. James Newberry, Grand County Commissioner, spoke of the water deal with the Western Slope, which is close and are waiting for the lawyers to agree on the language. And Michael Berry, National Ski Areas Association President, showed a Power Point Presentation pointing out how skiing appeals to people far more than other activities because it is a multi-generational sport, and a family can go out together, enjoy skiing, and share at the end of the day, and added that Colorado has a big portion of the skier market citing 60 million skier visits, of which half occur in Colorado, and half of that occur in Summit County, which is more than all of Utah.

**B. Breckenridge Open Space Advisory Commission (Mr. Dudick) -** Scott Reid reported on the BOSAC site visit to the Country Boy Mine where a bicycle trail will be built around the mine property; the cost is \$50,000 for a machine built trail; avoiding the Country Boy Mine parcel with a sustainable route; and, BOSAC's recommendation to move ahead with the plan, which already has Council support and funding in the current budget. Mr. Reid talked Council members through the proposed trail mentioning that the trail ties Baldy Mountain to French Gulch. The Council discussed the general make-up of the trail. The Council discussed the topics from the earlier joint meeting with BOSAC including landscaping on the Blue River; an educational pamphlet for Cucumber Gulch; and a discussion of the priorities going forward with the three-year plan in Cucumber Gulch. The Council discussed the campers behind the ice rink.

**C. BRC (Mr. Burke)-**No report.

**D. Marketing Committee (Mr. Dudick)-**Mr. Dudick reported the homeowners resistance to self-assess their units, and their disbelief of trip advisor feedback, since it is usually negative; the winter marketing plan from Scott Fortner; and, the budget will be discussed at the next meeting. Mr. Dudick suggested the Council discuss the metrics for success for the Town's marketing dollars that support lodging, which trickle down to retail and restaurants. The Council discussed the issues of the owner self-assessment, property management companies, the demand for nicer properties, and how the free market will take care of this issue.

**E. Summit Combined Housing Authority (Mr. Joyce)-**No report.

**F. Breckenridge Heritage Alliance (Mr. Burke)-**No report.

**G. Water Task Force (Mr. Mamula)-**No report.

**OTHER MATTERS**

Mr. Gagen stated when the Council adopted the new Medical Marijuana ordinance, they were re-instituting licenses under the new State Guidelines, and since only businesses under the moratorium could be licensed, it applied only to existing businesses. He stated the fees are set at 78% of the State's fee; renewals will be less expensive; and, the Town is required to follow State guidelines, except for fees. The Council discussed that the fees go into the General Fund; the new tax would be a separate fund; and, the cost of police monitoring the situation. Chief Holman remarked that under the State's guidelines, businesses need to reapply and be re-approved, and only one MMC can continue currently; the Town has put in a tremendous number of hours administratively; the State is still developing their plans for monitoring and training local enforcement, rules about growing 70 % of their product, and abuse in the black market; and, that it could potentially take a tremendous amount of oversight to ensure compliance. The Council discussed the fee structure, the fairness to businesses that were open prior to the Ordinance; how the initial license fee was substantially lower; and, this new fee could act as a reassessment since the Council could not have predicted the amount of administrative work. Mayor Warner suggested they come back with real numbers. The Council discussed the high level of uncertainty in the medical marijuana business model at the State and Federal Levels.

Mr. Mamula discussed with Scott Reid the current cost of bike trail maps at the Welcome Center, which is \$15.00 retail; that the maps are tear-proof and water-proof; the cheaper maps at \$1.00 were not used; and, the same map is available for free download online. The Council discussed how the \$15.00 maps came to be; the cost of map production and distribution; and, if a cheaper map should also be available. Mr. Mamula mentioned the trails on Forest Service land have been destroyed by horse hooves and excrement; and, asked if there is anything the Town can do about enforcement, since Breckenridge Stables does not have exclusive rights to the trails. Mr. Mamula stated that he would like to see F-lot turned into a park forever, which would provide relief from development; he would like to start the discussion of the legacy for the center of the town; and, that there would not a be hotel that would block the center of town and the Riverwalk Center. Mr. Mamula reported he was approached by Chris Renner about the Summit Education Foundation going the wrong way with

eliminating the honors program, and asked if the Town may be willing to lease out the Harris Street Building as a Private Middle/High School. The Council discussed the building is already set up for a school; the costs of upgrading the building to code since it has been sitting mostly vacant since Colorado Mountain College moved out; the potential competition with the school district; what the Town plans to do with the building over the next 5 years; the current functions in the building; the complexity of the equal access issue; the need for educational options in Summit County; and, the issues with the transition from a school to the administrative offices, once the Town is ready to occupy the building.

Mr. Burke mentioned a letter from Warrior's Mark regarding transportation. Mr. Gagen said it would be discussed at the retreat.

Mr. Dudick discussed the future of F-lot, and suggested a plan for a park that is not hidden, but is located in a central area should be in the plan for 2012, and the Town should allocated funds to start a study of what the urban landscape would look like in the future; and, consider working with the Ski Resort and Beaver Run for decked parking slope side or in the Gondola lots. The Council discussed protecting the downtown area from overdevelopment by future Town Councils. Mr. Dudick mentioned his concerns with closing free mass, and density loopholes to ensure that a developer with maxed out density may not come back later and circumvent density using building connectors or purchasing transferred development rights. The Council discussed how they would like to see a 5- star hotel in Breckenridge; if the parking structure needs to be in the core of town; a revisit of the Gondola lots master plan, including the height of the parking decks, and the concept of getting people from the Gondola lots to Main Street.

***SCHEDULED MEETINGS***

***ADJOURNMENT***

With no further business to discuss, the meeting adjourned at 9:56 p.m.

Submitted by Cathy Boland, Municipal Court Clerk.

ATTEST:

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Mary Jean Loufek, CMC, Town Clerk

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John Warner, Mayor