

**TOWN OF BRECKENRIDGE**  
**TOWN COUNCIL REGULAR MEETING**  
**Tuesday, July 23, 2013**  
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**CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of July 23, 2013 to order at 7:33 pm. The following members answered roll call: Mr. Brewer, Mr. Dudick, Ms. McAtamney, Ms. Wolfe, Mr. Gallagher and Mayor Warner. Mr. Burke was absent.

**APPROVAL OF MINUTES - JULY 9, 2013**

Mr. Gallagher stated that there was one typo in the minutes of July 9, 2013. At the top of page 3, under Public Arts Commission, change PCC to BCC. Mayor Warner declared the minutes would stand approved as corrected.

**APPROVAL OF AGENDA**

Mr. Gagen stated that 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. With no public comments Mayor Warner closed Citizen's Comments.
- B. Police Department Life Saving Awards  
Chief of Police, Shannon Haynes, presented three Life Saving Awards to Sergeant Ridge, Officer McNairy and Officer Pelfrey for saving a non-breathing 11-year-old child. Council thanked them for their service and dedication.
- C. Breckenridge Resort Chamber Update  
Mr. John McMahon, Breckenridge Resort Chamber Director, stated summer is turning positive and market share is on the increase. Mr. McMahon also stated there will be a draft of the winter marketing plan available on Thursday and marketing is concentrating on some international areas.
- D. USA Pro Challenge/Breckenridge Stage LOC Update  
Ms. Jen Cawley, Mr. Rick Oshlo and Ms. Kim DiLallo presented the update. Ms. Cawley stated that with less than a month away the committees are very busy and budget is on track. She presented a short video and a course map.

**CONTINUED BUSINESS**

- A. Second Reading of Council Bills, Series 2013 - Public Hearings
  - 1. COUNCIL BILL NO. 28, SERIES 2013 - AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A SPECIAL TOWN ELECTION TO BE HELD ON NOVEMBER 5, 2013 THE QUESTION OF WHETHER, COMMENCING JANUARY 1, 2014, THE TOWN OF BRECKENRIDGE SHOULD IMPOSE AN EXCISE TAX OF FIVE PERCENT (5%) ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS BY LICENSED RETAIL MARIJUANA ESTABLISHMENTS AS A NEW TAX PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION; REQUIRING REVENUES COLLECTED BY THE TOWN FROM THE NEW TAX TO BE USED ONLY FOR DESIGNATED PURPOSES; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FOR THE CONDUCT OF THE ELECTION  
Mayor Warner read the title into the minutes. Mr. Berry stated there is one change from the first reading regarding the estimation of the tax revenues to be \$750,000.  
Mayor Warner opened the public hearing.  
Bobby Craig wanted to clarify the estimated tax revenue was from a 5% tax. Mayor Warner replied that a formula was used for this number related to TABOR restrictions.  
Mr. Brewer then stated that if the question fails on the ballot, the Town will not be able to collect tax on retail sales, but will continue to collect tax on the medical marijuana sales. There were no other comments and the public hearing was closed.  
Ms. McAtamney moved to approve COUNCIL BILL NO. 28, SERIES 2013 - AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A SPECIAL TOWN ELECTION TO BE HELD ON NOVEMBER 5, 2013 THE QUESTION OF WHETHER, COMMENCING JANUARY 1, 2014, THE TOWN OF BRECKENRIDGE SHOULD IMPOSE AN EXCISE TAX OF FIVE PERCENT (5%) ON THE SALE OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS BY LICENSED RETAIL MARIJUANA ESTABLISHMENTS AS A NEW TAX PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION; REQUIRING REVENUES COLLECTED BY THE TOWN FROM THE NEW TAX TO BE USED ONLY FOR DESIGNATED PURPOSES; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FOR THE CONDUCT OF THE ELECTION. Mr. Brewer seconded the motion.  
The motion passed 6-0.

**NEW BUSINESS**

- A. First Reading of Council Bills, Series 2013
1. COUNCIL BILL NO. 29, SERIES 2013 - AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A SPECIAL TOWN ELECTION TO BE HELD ON NOVEMBER 5, 2013 THE QUESTION OF WHETHER THE TOWN'S GENERAL FUND MILL LEVY SHOULD BE INCREASED TO PROVIDE FUNDS TO PAY A PORTION OF THE COST OF OBTAINING CHILD CARE FOR QUALIFIED RECIPIENTS; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FOR THE CONDUCT OF THE ELECTION  
Mayor Warner read the title into the minutes. Mr. Berry stated this ordinance helps set the ballot question for the November election.  
Mr. Gallagher moved to approve COUNCIL BILL NO. 29, SERIES 2013 - AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE AT A SPECIAL TOWN ELECTION TO BE HELD ON NOVEMBER 5, 2013 THE QUESTION OF WHETHER THE TOWN'S GENERAL FUND MILL LEVY SHOULD BE INCREASED TO PROVIDE FUNDS TO PAY A PORTION OF THE COST OF OBTAINING CHILD CARE FOR QUALIFIED RECIPIENTS; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FOR THE CONDUCT OF THE ELECTION. Ms. McAtamney seconded the motion.  
The motion passed 6-0.  
  
Mayor Warner further stated that the Council would like a governance ordinance created to inform the voters how this money will be used.
  2. 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. Mayor Warner and Mr. Dudick then recused themselves due to a conflict of interest. Ms. McAtamney will act as Mayor Pro Tem. Ms. McAtamney reread the title into the minutes. Mr. Berry stated this ordinance is an edit of the sales tax ordinance code and will not increase any revenues to the Town.  
Ms. Wolfe 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. Mr. Gallagher seconded the motion.  
The motion passed 4-0.
- B. Resolutions, Series 2013
1. A RESOLUTION APPROVING A SECOND AMENDED AND RESTATED ANNEXATION AGREEMENT WITH MAGGIE PLACER, LLC, a Colorado limited liability company  
Mayor Warner read the title into the minutes. Mr. Berry stated the Town annexed this property several years ago and revised the existing development plan. The Planning Commission passed the current development plan and it will be coming before Council in the near future.  
Ms. McAtamney moved to approve A RESOLUTION APPROVING A SECOND AMENDED AND RESTATED ANNEXATION AGREEMENT WITH MAGGIE PLACER, LLC, a Colorado limited liability company. Ms. Wolfe seconded the motion.  
The motion passed 6-0.
  2. A RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DENSITY TRANSFER COVENANT FOR TOWN-OWNED REAL PROPERTY (McCain Parcel to Pence Miller Parcel)  
Mayor Warner read the title into the minutes. Mr. Berry stated staff recommends transferring density from the McCain Parcel to the Pence Miller Parcel.  
Mr. Gallagher moved to approve A RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DENSITY TRANSFER COVENANT FOR TOWN-OWNED REAL PROPERTY (McCain Parcel to Pence Miller Parcel). Ms. McAtamney seconded the motion.  
Motion passed 6-0.
- C. Other

**PLANNING MATTERS**

- A. Planning Commission Decisions  
With no request to call an item off the consent calendar, Mayor Warner declared the Planning Commission Decisions would stand approved as presented.
- B. Planning Commission Report (Ms. McAtamney)  
Ms. McAtamney stated there was no report and the commission is anxious to

have a joint meeting with the Council.

**REPORT OF TOWN MANAGER AND STAFF**  
**REPORT OF MAYOR AND COUNCILMEMBERS**

- A. Cast/MMC (Mayor Warner)  
Mayor Warner stated there was no additional report from what he already presented to the Council.
- B. Breckenridge Open Space Advisory Committee (Mr. Brewer)  
Mr. Brewer stated he attended a meeting on July 15<sup>th</sup> with a site visit to the Slalom Singletrack Trail. The Committee is preparing to hire a trapper to relocate some beavers into upper Cucumber Gulch to maintain the ponds.
- C. BRC (Mr. Burke)  
Mr. Burke was not present for a 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 no report.
- 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.

**OTHER MATTERS**

Mr. Gagen stated the committee appreciation event is scheduled for July 26<sup>th</sup> at 5:30 pm at the Rivewalk Center.

Ms. Wolfe stated she received a phone call from Win Lockwood regarding the proposed hotel/conference center on F-Lot and his concerns about an owner-operated hotel. She further stated she had the idea to add median landscaping in the roundabout such as hanging baskets, potted plants, and wrought iron decorations. Ms. Wolfe then stated a resident expressed to her that the planters at Main and Adams block the view of oncoming traffic. Ms. Wolfe also stated that Comcast has not been honoring her presence on the No Call List.

Mr. Gallagher stated he would like to better know and understand the non-profits that receive large grants from Council, such as the Backstage Theatre. Mayor Warner stated he would reach out to Alan Mosher to find out about the Backstage Theatre's governance and to learn who is currently on their board.

Mr. Gallagher stated he has heard that Vail is talking about a hotel at the base of Peak 8.

Mayor Warner stated that he had been contacted by Susan Merriweather of NWCOG asking the Town to reconsider membership with them. He further asked the Council if they had thought of an app that is all about Breckenridge events. He stated gobreck.com is the venue for events, but it is not a user-friendly calendar.

**SCHEDULED MEETINGS**

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 8:55pm. Submitted by Susan Brown, Municipal Services Specialist.

ATTEST:

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John Warner, Mayor