

**CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of September 10, 2013 to order at 7:36 pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. McAtamney, Mr. Dudick and Mayor Warner. Mr. Burke and Ms. Wolfe were absent.

**APPROVAL OF MINUTES - AUGUST 27, 2013**

With no changes or corrections to the meeting minutes of August 27, 2013, Mayor Warner declared they would stand approved as submitted.

**APPROVAL OF AGENDA**

Mr. Gagen stated there was only one change to the agenda: a brief Executive Session would be added under Other Matters.

**COMMUNICATIONS TO COUNCIL**

A. Citizen's Comment - (Non-Agenda Items ONLY: 3-minute limit please)

Mayor Warner opened Citizen's Comments.

Ms. Carol Rockne, a local citizen, thanked the Council for helping with the Dredge fishing issues. Also, Ms. Rockne stated there are beavers in Warriors Mark, and there was a recent confrontation over the beavers that involved the Police Department.

Mr. David Wilcox and Ms. Peyton Rogers, representing the Breckenridge Lodging Association, read a letter into the record in support of the USA Pro Cycling Challenge. Mayor Warner stated he had met with Aspen and Vail about the future of the race.

With no further comments, Mayor Warner closed the citizen comments section.

**CONTINUED BUSINESS**

A. Second Reading of Council Bills, Series 2013 - Public Hearings

1. **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**

Mayor Warner read the title into the minutes. Mr. Berry stated the purpose of the ordinance is to authorize retail marijuana starting Jan.1, 2014. Changes from first reading include a provision that allows a license to be transferred to a buyer, adding language that there is no entitlement to renewal, removing language addressing a specific number of licenses, and allowing the establishment on Main Street until Sept. 1, 2014 to vacate the premises. There are several other small editorial changes.

Mayor Warner opened the public hearing.

Ms. Caitlin McGuire, of Breckenridge Cannibus Club, stated she built the business from the ground up and requested Council consider allowing them to stay on Main Street.

Mr. Brian Rogers, of Breckenridge Cannibus Club, stated the location of his business is important. Mr. Rogers further stated the marketing of his business is specific to the current location and a change in location would result in additional costs. Mayor Warner thanked Mr. Rogers for being open and honest.

Mr. Justin Williams, of Alpenglow Botanicals, stated he supports the Ordinance in its current form.

Mr. Wayne Walton, a local citizen, stated the community should be showcasing marijuana, and encouraged Council to move forward to represent the young people of the community.

Mr. John Pallaoro, of Northside Pizza, stated that as a business owner on Main Street, he is in support of the Cannibus Club staying in its current location.

Mr. Brian Jones, of Northside Pizza, stated liquor is more detrimental to the Town than a marijuana store on Main Street.

Mr. Truett Lennox, a local citizen, stated marijuana is not as violent as alcohol.

Mr. Dan Lefjack, a local citizen, stated he agrees with the ordinance as written because it makes sales fair for everyone and is consistent with the Town goal for family friendly

events in the core.

Ms. Lauren Hoover, who works at the Breckenridge Cannibus Club, stated she is a longtime local who is excited that Breckenridge is making history, and stated the Cannibus Club can be a great example of retail marijuana in the core.

Ms. Cassie Nevis, who works in downtown Breckenridge, agreed with the ordinance in its current form and would like to keep marijuana off downtown Main Street.

Mr. Christian Kuchenbrod, a local citizen who lives and works on Main Street, stated the Cannibus Club is setting a good example with helpful staff and by getting the information out.

Ms. Christy Hoffman, the owner of the building where Cannibus Club is located, stated making the business move will affect her. She further stated they are good tenants and their presence has helped her business. Mayor Warner then asked if the building was for sale. Ms. Hoffman stated yes, and she believes buyers would appreciate the MJ tenant. I don't think it's an issue.

Mr. Brian Austin, Christy Sports Assistant Manager, stated he can send guests to the Cannibus Club, where they can get informed about marijuana, and he would like to see it sold legally on Main Street through a dispensary.

Mr. Gagen noted for the record there were a number of additional emails and comments from Engage Breck.

With no other comments, the public hearing was closed.

Mayor Warner then asked Council for feedback on the ordinance. Mr. Brewer stated this ordinance is imperfect and he would prefer not to pass it tonight and pass an emergency ordinance at the next meeting. Mr. Gallagher stated a change in the ordinance is not in the long-term best interest of the people who live in Breckenridge or come to Breckenridge. Ms. McAtamney stated Airport Road isn't far away and Council worked hard to make things fair for everyone, including visitors. Mr. Dudick stated tourism drives our community and he doesn't want Breckenridge to be the leader with dispensaries on Main Street. He also agrees there is an inequity in allowing one place to stay and shut out the others. Mayor Warner read the Town's Vision Plan and focused on #1: Community Character.

Mr. Gallagher 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. Ms. McAtamney seconded the motion. The motion passed 4 – 1; Mr. Brewer dissented. Mr. Burke and Ms. Wolfe were absent.

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. Mr. Berry stated there were no changes in this ordinance from first reading. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.  
Ms. McAtamney 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. Gallagher seconded the motion.  
The motion passed 5 – 0. Mr. Burke and Ms. Wolfe were absent.
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 the ordinance approves a long-term lease as required by Town Code 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.  
Mr. Brewer moved to approve COUNCIL BILL NO. 36, SERIES 2013 - AN ORDINANCE APPROVING A LONG-TERM LEASE WITH BEARTOWN LLC, A COLORADO LIMITED LIABILITY COMPANY. Ms. McAtamney seconded the motion.  
The motion passed 5 – 0. Mr. Burke and Ms. Wolfe were absent.

- A. First Reading of Council Bills, Series 2013
1. COUNCIL BILL NO. 37, SERIES 2013 - AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS", CONCERNING RIGHTS-OF-WAY ACQUIRED BY GOVERNMENTAL ENTITIES  
Mayor Warner read the title into the minutes. Mr. Berry stated this ordinance adds a new exception to the definition of subdivision regarding governmental right of way for a public project.  
Mr. Gallagher moved to approve COUNCIL BILL NO. 37, SERIES 2013 - AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS", CONCERNING RIGHTS-OF-WAY ACQUIRED BY GOVERNMENTAL ENTITIES.  
Mr. Brewer seconded the motion.  
The motion passed 5 – 0. Mr. Burke and Ms. Wolfe were absent.
  2. COUNCIL BILL NO. 38, SERIES 2013 - AN ORDINANCE AMENDING SECTION 1-4-1 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE GENERAL PENALTY TO BE IMPOSED FOR VIOLATIONS OF THE ORDINANCES OF THE TOWN OF BRECKENRIDGE  
Mayor Warner read the title into the minutes. Mr. Berry stated the general penalty ordinance changes the maximum penalty for Municipal Court to \$2650, in accordance with a new state law.  
Ms. McAtamney moved to approve COUNCIL BILL NO. 38, SERIES 2013 - AN ORDINANCE AMENDING SECTION 1-4-1 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE GENERAL PENALTY TO BE IMPOSED FOR VIOLATIONS OF THE ORDINANCES OF THE TOWN OF BRECKENRIDGE. Mr. Brewer seconded the motion.  
The motion passed 5 – 0. Mr. Burke and Ms. Wolfe were absent.
- B. Resolutions, Series 2013
- 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.
- C. Town Project: Cucumber Gulch Wetland Channel Restoration  
Mr. Mark Truckey stated this Town Project involves the 2nd phase of restoration of Cucumber Gulch, including the restoration of the stream channel.  
Mr. Dudick moved to approve Town Project: Cucumber Gulch Wetland Channel Restoration. Ms. McAtamney seconded the motion.  
The motion passed 5-0. Mr. Burke and Ms. Wolfe were absent.
- D. Town Project: Cucumber Gulch Forest Health Treatment  
Mr. Truckey stated the forest management project includes the removal of deadfall to improve overall forest health in about 5 acres.  
Mr. Dudick moved to approve Town Project: Cucumber Gulch Forest Health Treatment.  
Mr. Gallagher seconded the motion.  
The motion passed 5-0. Mr. Burke and Ms. Wolfe were absent.

**REPORT OF TOWN MANAGER AND STAFF**

Mr. Tim Gagen stated there was no report.

**REPORT OF MAYOR AND COUNCILMEMBERS**

- A. Cast/MMC (Mayor Warner)  
Mayor Warner stated he attended the MMC where topics included breed specific dog bans, a housing needs assessment, a ballot question update from each town, water conservation county-wide, an EMS update, senior housing, and a landfill update.  
  
Mayor Warner then gave a CAST update which included presentations from a representative from American Progressive Bag Alliance, Bob Murphy, the Lakewood Mayor, speaking about need for improved transportation, and Mille Hamner, speaking about Colorado Commits to Kids. Mayor Warner also sat on a marijuana panel.
- B. Breckenridge Open Space Advisory Committee (Mr. Brewer)

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Mr. Brewer stated there was no meeting.

- C. BRC (Mr. Burke)  
Mr. Burke sent out minutes from the last meeting.
- D. Marketing Committee (Ms. Wolfe)  
Ms. Wolfe was not present for an update.
- E. Summit Combined Housing Authority (Mr. Dudick)  
Mr. Dudick stated there was no update.
- F. Breckenridge Heritage Alliance (Mr. Dudick)  
Mr. Dudick stated he sent an email to Council with an update.
- G. Water Task Force (Mr. Gallagher)  
Mr. Gallagher stated they are preparing an application to submit to Denver Water as a first step.
- H. Landfill Task Force (Ms. Wolfe)  
Ms. Wolfe was not present for update.
- I. Public Art Commission (Mr. Gallagher)  
Mr. Gallagher stated the minutes from the last meeting were sent council members.

**OTHER MATTERS**

**SCHEDULED MEETINGS**

**EXECUTIVE SESSION**

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 9:04pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

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John Warner, Mayor