

**CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of September 10, 2013 to order at 7:30 pm. The following members answered roll call: Mr. Brewer, Ms. McAtamney, Mr. Dudick, Mr. Burke, Ms. Wolfe and Mayor Warner. Mr. Gallagher was absent.

**APPROVAL OF MINUTES - SEPTEMBER 10, 2013**

With no changes or corrections to the meeting minutes of September 10, 2013, Mayor Warner declared they would stand approved as submitted.

**APPROVAL OF AGENDA**

Mr. Gagen stated there was one change to the agenda, which was to add an executive session under Other Matters. Mr. Gagen further stated he handed out modified versions of Council Bill No. 40 and the memo to the Resolution Making a Supplemental Appropriation to the 2013 Town Budget.

**COMMUNICATIONS TO COUNCIL**

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

Mayor Warner opened Citizen's Comments.

Mr. Shervin Rashidi, President of the Merchant Association of Main Street Station, stated he wanted to discuss ideas of connectivity to the Mall at Main Street Station, specifically from the Riverwalk area. Mr. Rashidi stated the Mall is going into foreclosure and he wants to see a better plan moving forward. Mr. Rashidi further stated the crosswalk at Main Street is dangerous. Mr. Gagen stated there was a preliminary design for an underpass in that area, and Council has indicated there's a need to work cooperatively with South Side Alliance. Mr. Gagen further stated there is no permanent easement from the Riverwalk to the South Side. Mayor Warner then stated a vital south end is critical and Council agreed to take up the topic at the October retreat as an opportunity to explore a public/private partnership with new management at the Mall.

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

B. Breckenridge Ski Resort Update

Ms. Pat Campbell stated the summer season ended Oktoberfest weekend. Ms. Campbell gave an update to the Peak 6 project which included construction work, a new trail map with a public naming contest, and the plan for a marketing update for the lodging community. Ms. Campbell further stated Vail Resorts went to the UK as a strategic market, Breckenridge Ski Resort is working with Town Staff on the upcoming Weather Summit, the Dew Tour will be an Olympic Qualifier and the Zip Line will be operational in the winter. Mayor Warner thanked Ms. Campbell for allowing Summit Huts to use the helicopter and noted that Wake Up Breckenridge will be November 7.

**CONTINUED BUSINESS**

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

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 there were no changes to this ordinance from the 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. 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. Burke seconded the motion.

The motion passed 6 – 0. Mr. Gallagher was 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 there are no changes to this Ordinance 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. 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. Ms. Wolfe seconded the

motion.

The motion passed 6 – 0. Mr. Gallagher was absent.

**NEW BUSINESS**

A. First Reading of Council Bills, Series 2013

1. COUNCIL BILL NO. 39, SERIES 2013 - AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING THE IMPLEMENTATION OF “AMENDMENT 64” TO THE COLORADO CONSTITUTION

Mayor Warner read the title into the minutes. Mr. Berry stated he handed out a revised form of this Ordinance from the Work Session. Mr. Berry further stated this Ordinance amends the Town's Smoking Ordinance to address Marijuana and to more closely mirror state laws for Marijuana consumption. Mr. Berry stated that the revised ord takes out item 4 per the Work Session discussion.

Ms. McAtamney moved to approve COUNCIL BILL NO. 39, SERIES 2013 - AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING THE IMPLEMENTATION OF “AMENDMENT 64” TO THE COLORADO CONSTITUTION. Mr. Burke seconded the motion.

The motion passed 6 – 0. Mr. Gallagher was absent.

2. COUNCIL BILL NO. 40, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 13, TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE RESIDENTIAL GROWING OF MARIJUANA

Mayor Warner read the title into the minutes. Mr. Berry stated this Ordinance amends the medical marijuana Residential Growing Ordinance to cover all residential growing of marijuana in the Town of Breckenridge.

Ms. McAtamney moved to Approve COUNCIL BILL NO. 40, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 13, TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE RESIDENTIAL GROWING OF MARIJUANA. Mr. Brewer seconded the motion.

The motion passed 6 – 0. Mr. Gallagher was absent.

B. Resolutions, Series 2013

1. A RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2013 TOWN BUDGET

Mayor Warner read the title into the minutes. Mr. Gagen stated a modified memo to accompany the resolution was handed out at the meeting. Mr. Gagen further stated this annual resolution accounts for mid-year budget changes and takes into consideration all appropriations to date.

Ms. McAtamney moved to approve A RESOLUTION MAKING A SUPPLEMENTAL APPROPRIATION TO THE 2013 TOWN BUDGET. Mr. Dudick seconded the motion. The motion passed 6 – 0. Mr. Gallagher was absent.

2. A RESOLUTION IN SUPPORT OF BALLOT QUESTIONS 1A AND 2B APPEARING ON THE NOVEMBER 2013 BALLOT

Mayor Warner read the title into the minutes. Ms. Best explained that a local organization requested the Town pass this Resolution in support of Ballot Questions 1A and 1B.

Mr. Brewer moved to approve A RESOLUTION IN SUPPORT OF BALLOT QUESTIONS 1A AND 2B APPEARING ON THE NOVEMBER 2013 BALLOT. Mr. Burke seconded the motion.

The motion passed 6 – 0. Mr. Gallagher was absent.

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 the Planning Commission discussed a classification of permits issue and stated the group is looking forward to joint meeting in November. Mr. Dudick then asked for clarification of building height standards, and requested a primer from staff on this issue.

**REPORT OF TOWN MANAGER AND STAFF**

Mr. Tim Gagen stated he distributed the CIP to Council to be discussed at the Budget Retreat and noted there is a heavy load of projects scheduled for 2014.

**REPORT OF MAYOR AND COUNCILMEMBERS**

- A. Cast/MMC (Mayor Warner)  
Mayor Warner stated there was no meeting. Mayor Warner further stated he met with third graders from Upper Blue Elementary and the Boy Scouts to speak about local government.
- B. Breckenridge Open Space Advisory Committee (Mr. Brewer)  
Mr. Brewer stated the last meeting was productive: the beaver in Cucumber Gulch is doing a lot of work; work is starting on channel restoration and forest health in Cucumber Gulch; work is continuing on the Barney Flow trail; and art installations are taking place in the backcountry as a joint project with Arts District.
- C. BRC (Mr. Burke)  
Mr. Burke stated the next meeting is Thursday, September 26.
- D. Marketing Committee (Ms. Wolfe)  
Ms. Wolfe stated there would be an October 1st meeting, and the committee is also requesting funds for in-market presence in the UK to match Vail Resorts in that market.
- 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 was not present for a report. Mayor Warner stated Mr. Dudick is going to the State Legislature to learn about Forest Service water rights and the ski areas.
- H. Landfill Task Force (Ms. Wolfe)  
Ms. Wolfe stated there was no meeting.
- I. Public Art Commission (Mr. Gallagher)  
Mr. Gallagher was not present for a report. Mr. Gagen stated he attended the Breckenridge Cultural Coalition meeting and the Coalition would like to look at an Arts and Culture festival to possibly coincide with the opening of the Arts District and Riverwalk Center next summer.

**OTHER MATTERS**

Mr. Dudick stated the Recreation Center sprinklers were on last week during the rains and there are no trash cans on the bike path or trails for depositing dog waste.

Mr. Brewer stated he wished to acknowledge the flood disaster in Colorado and wants to create an outreach program for this kind of disaster in a more formal process. Chief Haynes and Ms. Dykstra-Dilallo clarified there is a statewide database for disaster relief.

Mayor Warner stated a woman approached him about a non-profit to benefit the children of people killed in avalanches. Council agreed the scope of this fund was too narrow and Mayor Warner stated he would provide that feedback.

**SCHEDULED MEETINGS**

**EXECUTIVE SESSION**

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 9:31pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

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John Warner, Mayor