

**CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of October 8, 2013 to order at 7:30 pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. McAtamney, Mr. Burke, Ms. Wolfe, Mr. Dudick and Mayor Warner.

**APPROVAL OF MINUTES - SEPTEMBER 24, 2013**

With no changes or corrections to the meeting minutes of September 24, 2013, Mayor Warner declared they would stand approved as submitted.

**APPROVAL OF AGENDA**

Mr. Gagen stated there were two changes to the agenda in titles for the ordinances, so the newest version was handed out to Council members at the start of the meeting.

**COMMUNICATIONS TO COUNCIL**

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

Mayor Warner opened Citizen's Comments.

Mr. Gary Freese, owner of Breckenridge Gallery, spoke relative to concerns about the timing of arts festivals. Mr. Freese stated that speaking for the five remaining galleries, the Town of Breckenridge has chosen to subsidize fairs directly or indirectly. Mr. Freese then asked the Council to re-evaluate class C & D permits, and to look at collective arts fairs, as well as the events at Main Street Station. He further stated that of the past galleries in Breckenridge, six have been successful in other locations.

Mr. Jack Wolfe and Ms. Sheri Shelton stated they have been organizing a grassroots effort to recognize merchants who decorate windows on Main Street. They further stated they are looking for cash prizes to offer participants this year to encourage a larger response. Mayor Warner and Mr. Dudick each offered \$250, and Ms. Wolfe suggested the rest might be covered by BMAC funds.

Ms. Cindy Love, a BRC Ambassador and former Board Member, stated she had hesitations to the restructuring of the BRC and would like current membership to be given the chance to vote on the matter at hand. Ms. Love further stated that if dues for members go away, tax dollars would make up the additional funding, and she believes that is a waste of tax dollars.

Ms. Bonnie Smith, a BRC Ambassador (but speaking as a private citizen), stated she believes it's critical that BRC members feel like they have a voice in the process, and that the Ambassadors exist in order to make a bridge between the Chamber and the community.

Ms. Dena Raitman, a realtor on Main Street, stated North Main Street hasn't been included in many Town events in the past and she would like to see more events on North Main Street.

Mr. Ross Raitman, from Art on a Whim, stated Breckenridge is the only mountain town with three major art festivals. Mr. Raitman further stated Vail and Aspen each have one festival, and he would like to see the festivals in Breckenridge cut to one. Mr. Burke asked Mr. Raitman about a letter from 2009 that he had written in support of galleries, and Mr. Raitman responded that his business was new at the time and the climate is different now.

Ms. Peyton Rodgers, a community member, asked a question about when BMAC is dissolved, does measure 2D (lodging tax supporting marketing) go away as well? Ms. Wolfe stated that BMAC will be coming together with the BRC board to make one marketing group. Mr. Burke further stated that as the BRC representative there were too many boards overseeing the marketing efforts of the BRC and all BOLT members will be included in this new business services model.

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

B. Red, White and Blue Fire District Update

Mr. Jay Nelson, Deputy Chief of Red, White and Blue Fire District (RWB), stated he handed out two documents (map and graph) to accompany an item in the packet. Mr. Nelson then gave a fire mitigation update and updated the Council on progress made toward a Firewise Certification. Mr. Gagen asked if there is any difference with insurance companies for Firewise Communities. Mr. Nelson stated yes, they have been known to change policy due to this certification. Mr. Nelson then stated education is an important piece of becoming Firewise. Mr. Gagen asked Mr. Nelson to finish coloring the map with areas that don't need mitigation.

Mr. Jim Keating, Chief of RWB, stated there was a lot of smaller-scale mitigation done this summer at residences and RWB will look to work more with landscape companies on fire

mitigation in the future. Mr. Keating stated that the EMS updates are nearing the end. He stated Lake Dillon and RWB may oversee a fire-based EMS system in the long-term. RWB is offering to staff two ambulances for our area and cover more of Summit County during the busy seasons. Mr. Keating then asked for Council's help and support in some upcoming EMS decisions.

C. Reusable Bag Day Proclamation

Mayor Warner read the Reusable Bag Day Proclamation into record to declare October 15, 2013, Reusable Bag Day in Breckenridge.

**CONTINUED BUSINESS**

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

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 there were no changes to this ordinance from first reading. Mayor Warner opened the public hearing.

Mr. Buck Allen, Breckenridge Municipal Court Judge, stated he is in agreement with the penalty schedule for marijuana. Mayor Warner then introduced the Boy Scout Troop in attendance. Mr. Dudick explained that his resorts may ban marijuana smoking on all properties, as they are private.

Mr. Brian Costa, of the Boy Scouts, asked if marijuana shops would need to post about the health risks of the drug. Mayor Warner stated he didn't think so because there are no studies showing risks at this time, but there are labeling requirements.

Mr. Thomas Creen, of the Boy Scouts, asked about marijuana in schools. Mr. Berry stated this ordinance makes the drug illegal to consume on school property. Mr. Creen then asked about being under the influence of marijuana while driving. Chief Haynes stated there's a way to tell through a blood test and a threshold has been established has been established by the State.

Mr. Brennan Creen, of the Boy Scouts, asked about candy marijuana being used in public. Mayor Warner stated no marijuana products will be allowed to be used in public. There were no further public comments and the public hearing was closed.

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. Ms. Wolfe seconded the motion.

The motion passed 7 – 0.

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

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. 40, SERIES 2013 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 13 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE RESIDENTIAL GROWING OF MARIJUANA. Mr. Brewer seconded the motion.

The motion passed 7 – 0.

**NEW BUSINESS**

A. First Reading of Council Bills, Series 2013 - None

B. Resolutions, Series 2013

1. A RESOLUTION APPROVING THE TOWN OF BRECKENRIDGE "DISPOSABLE BAG PUBLIC OUTREACH PLAN"

Mayor Warner read the title into the minutes. Mr. Berry stated that when the Council adopted the original Bag Ban Ordinance, it was scheduled to become effective October 1st with the option to change the effective date. He further stated the Ordinance won't go into effect until this resolution with a new date is adopted and certified by the Town Manager.

Mr. Brewer moved to approve A RESOLUTION APPROVING THE TOWN OF BRECKENRIDGE "DISPOSABLE BAG PUBLIC OUTREACH PLAN". Mr. Burke seconded the motion.

The motion passed 7 – 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. She further stated a joint meeting with Council will take place the first meeting in November, and the Planning Commission Retreat is scheduled for October 25th.

**REPORT OF TOWN MANAGER AND STAFF**

Mr. Gagen stated the State issued a report on high-risk fire wild land areas. Mr. Gagen also stated the Ice Castles have met Town event requirements to be located on the south end of the Tiger Dredge Lot. He further stated the art fair vendor spoke to him after the work session meeting and is looking to lock up event dates for 2014 as soon as possible. Mayor Warner stated Council may want to consider phasing in the changes to the art fairs over several years. Council agreed to look into the number of art fairs in the Town compared to other communities. Then Council agreed to work on phased-in changes at the next meeting.

**REPORT OF MAYOR AND COUNCILMEMBERS**

- A. Cast/MMC (Mayor Warner)  
Mayor Warner stated he sent his MMC report to Council members.  
Mr. Dudick attended a water rights meeting in Denver regarding ski area water rights vs. Forest Service rights. Mr. Dudick stated the Forest Service wants the water rights from leased lands, including the ski areas. He stated CAST's position was neutral on this issue. Mr. Dudick then stated he believes the Town should adopt a formal stance on this proposal. Mr. Gagen suggested the Council make a statement at CAST on behalf of the Town, and recommends the asset stay intact for recreational purposes.
- B. Breckenridge Open Space Advisory Committee (Mr. Brewer)  
Mr. Brewer stated there was no meeting.
- C. BRC (Mr. Burke)  
Mr. Burke stated the previous discussions addressed current issues with the BRC. Mr. Dudick stated he has some additional thoughts about how the BRC should be structured and the process to do that.
- D. Marketing Committee (Ms. Wolfe)  
Ms. Wolfe stated there was no report other than what had been addressed in discussions already.
- E. Summit Combined Housing Authority (Mr. Dudick)  
Mr. Dudick stated he sent an update to Council Members via email.
- F. Breckenridge Heritage Alliance (Mr. Dudick)  
Mr. Dudick stated there was no meeting.
- G. Water Task Force (Mr. Gallagher)  
Mr. Gallagher stated there have been no changes since the last report. He further stated there will be a joint meeting between Council and the Upper Blue Sanitation District at the end of November.
- H. Landfill Task Force (Ms. Wolfe)  
Ms. Wolfe stated there may be a meeting in November.
- I. Public Art Commission (Mr. Gallagher)  
Mr. Gallagher stated he sent meeting minutes to Council Members. He further stated there are three finalists coming in early November to interview for the Cultural CEO position.

**OTHER MATTERS**

Ms. McAtamney stated the Backcountry Ball is this weekend.

Mr. Gallagher stated regarding EMS, the County is not prepared to see any reduction in staff or revenues based on the new proposed models.

Ms. Wolfe stated in regards to the Wakefield property and the Heritage Alliance, Mr. Monroe, who owns the property, doesn't have easements to use the gate, or gas lines, but the Town holds an easement on the property. Mr. Gagen clarified that the Heritage Alliance

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has been given rights to the easement. Mr. Gagen will further investigate the situation with Town staff and the Heritage Alliance.

**SCHEDULED MEETINGS**

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 9:38pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

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John Warner, Mayor