

CALL TO ORDER, ROLL CALL

Mayor Warner called the meeting of August 12, 2014 to order at 7:37 pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. Lawrence, Mr. Burke, Ms. Wolfe, Ms. Gigliello and Mayor Warner.

APPROVAL OF MINUTES - JULY 22, 2014

Mayor Warner noted one change to the meeting minutes of August 12, 2014, which was to change the word "respectable" on page 5 to "respectful." Mayor Warner then declared they would stand approved with that change.

APPROVAL OF AGENDA

Mr. Gagen stated there were three legislative changes needed to the agenda, which included removing from the agenda Council Bills No. 28, No. 30 and No. 31. Also, adding the work session committee reports under Other Matters.

COMMUNICATIONS TO COUNCIL

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

Mayor Warner opened Citizen's Comment.
There were no other comments and Citizen's Comment was closed.

B. GoBreck Update

Ms. Lucy Kay, CEO of GoBreck, stated July occupancy was up 5% over last year, and summer is up 11% overall. She further stated VacationRoost July lodging was up, and GoBreck is looking forward to next winter. She also stated conference attendance seems to be up and the Welcome Center is selling Riverwalk Center concert tickets this year. Ms. Kay stated 50 new employees attended orientations organized by the business services committee and the 2015-2016 marketing plan should be finished this month. She stated GoBreck has hired a consultant to help facilitate the Board of Directors from a working board to a governing board, and also to help with 5-year strategic plan.

C. Breckenridge Ski Resort

Ms. Pat Campbell, COO of Breckenridge Ski Resort, stated project updates include a new Colorado Chair, which will be ready for opening day on Nov. 7th and a Peak 9 Restaurant remodel, which should open around Thanksgiving. Also, the Ski Resort recently has been approved to reconfigure the lift unload ramps on Peak 6 and to install a well for drinking water. She also stated Epic Discovery is still in the analysis stage with the Forest Service, and a draft EIS should be finished in December, with the project on track to be approved or rejected in July of 2015. Also, she stated the Resort is working with BOSAC on the realignment of the Peaks Trail at the base of Peak 8. Ms. Campbell then stated Kristen Stewart was in New York working on stories for the upcoming season.

D. USA Pro Cycling Challenge Update

Mr. Rick Oshlo, co-chair of the Local Operating Committee, showed a promotional video clip and TV ad for the race, and then explained the direction of the course this year, including the display of a map and profile. He stated the route will go through town will be about 12 minutes long in Breckenridge, with riders expected to arrive at top of Hoosier Pass 2:40-3:00pm, and the finish expected 3:15-3:45pm. Mr. Oshlo further stated there is new permanent street signage on the Moonstone climb. Mr. Waldes stated the Town should expect the same expense from prior years to host the race, and new this year local retailers will be able to sell race products the day of the race. Ms. Jennifer McAtamney, co-chair of the local Operating Committee, stated the commercial has been running during the Tour de France and the race has been tied to Breck Bike Week this year, and promoted using social media and billboards in Denver. Also, Mayor Warner will give a special award to Jens Voigt at the end of the stage, and full day events include the Strider Cup Challenge, the Pond Crossing at the Dredge, a BOEC Brain Injury Parade, and the Big Head Todd concert at 7pm.

CONTINUED BUSINESS

A. Second Reading of Council Bills, Series 2014 - Public Hearings

1. COUNCIL BILL NO. 25, SERIES 2014 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH THE BASE 9 CONDOMINIUMS HOMEOWNERS ASSOCIATION, A COLORADO NONPROFIT CORPORATION

Mayor Warner read the title into the minutes. Mr. Berry stated this ordinance has two minor amendments and one clarification to the Development Agreement that were included in the memo.

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Gallagher moved to approve COUNCIL BILL NO. 25, SERIES 2014 - AN

ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH THE BASE 9 CONDOMINIUMS HOMEOWNERS ASSOCIATION, A COLORADO NONPROFIT CORPORATION. Ms. Lawrence seconded the motion.

The motion passed 7 - 0.

2. COUNCIL BILL NO. 26, SERIES 2014 - AN ORDINANCE AMENDING SECTION 4-4-2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE PAYMENT OF A FINE IN LIEU OF THE SUSPENSION OF A LICENSE TO SELL ALCOHOLIC BEVERAGES

Mayor Warner read the title into the minutes. Mr. Berry stated this ordinance would adopt the State changes regarding liquor penalty fines in lieu of suspension and make them part of Town code. There were no changes to this ordinance from first reading.

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Ms. Gigliello moved to approve COUNCIL BILL NO. 26, SERIES 2014 - AN ORDINANCE AMENDING SECTION 4-4-2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE PAYMENT OF A FINE IN LIEU OF THE SUSPENSION OF A LICENSE TO SELL ALCOHOLIC BEVERAGES. Mr. Gallagher seconded the motion. The motion passed 7 - 0.

3. COUNCIL BILL NO. 27, SERIES 2014 - AN ORDINANCE AMENDING SECTION 4-14-21 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE DEADLINE FOR THE REQUIRED CLOSURE OF PREMISES LICENSED UNDER THE "TOWN OF BRECKENRIDGE 2013 MARIJUANA LICENSING ORDINANCE" THAT ARE LOCATED WITHIN THE TOWN'S DOWNTOWN OVERLAY DISTRICT

Mayor Warner read the title into the minutes. Mr. Berry stated this ordinance amends the current ordinance that includes a September 1st deadline for the retail Marijuana store in the Downtown Overlay District to move from that location. This ordinance changes the deadline date to February 2, 2015.

Mayor Warner opened the public hearing.

Brian Rogers, representing Breckenridge Cannibus Club, stated he is asking Council to allow for the modification of the premises in this location to allow for more open space. Mr. Berry stated it may be difficult to amend that part of the ordinance at this time of second reading. Mr. Rogers stated the change would make for more effective customer flow, and less congestion in the stairway. Mayor Warner stated we need to take this one issue at a time, and hold the plans for modification for now.

Ms. Catherine Grimm, representing the airport road dispensaries, stated she would like to request an amendment to the minutes of July 22, 2014. She further stated she would like the record to reflect that she did not agree to a 90-day extension of the deadline. She stated she only agreed to a 60-day extension. Mr. Burke and other Council members disagreed with her statement.

Mr. Berry clarified there are no changes from first reading for this bill.

Mr. Gallagher stated he would like to change the deadline to November, and Ms. Wolfe stated she will vote yes on this ordinance based on being given the opportunity to slow down the process. Ms. Wolfe stated she understands the will of the council is to move ahead and we are trend setting, but she feels our circumstances are different, and the process has been rushed. Ms. Lawrence asked Ms. Wolfe if the assumption was that Council wouldn't allow more establishments downtown before that date, and Ms. Wolfe stated that hasn't yet been discussed.

Mr. Burke asked about Mr. Gallagher's November 4th deadline date. Mr. Gallagher stated the issue could drag on until February and he is looking to pull it back to stay focused. Ms. Gigliello stated she agreed with moving the process forward. Mr. Brewer stated he likes the status quo and he believes Council will make a better decision around the other issues by relieving the pressure on the deadline. Ms. Lawrence stated she feels the date is arbitrary, since the Council voted to not move Breckenridge Cannibus Club off Main Street, and she agrees with Mr. Gallagher on the timeline on the regulation of other businesses. Mr. Burke stated we may have to dedicate a Work Session to these issues.

There were no additional comments and Mayor Warner closed the public hearing.

Mr. Brewer moved to approve COUNCIL BILL NO. 27, SERIES 2014 - AN ORDINANCE AMENDING SECTION 4-14-21 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE DEADLINE FOR THE REQUIRED CLOSURE OF PREMISES LICENSED UNDER THE "TOWN OF BRECKENRIDGE 2013

MARIJUANA LICENSING ORDINANCE” THAT ARE LOCATED WITHIN THE TOWN’S DOWNTOWN OVERLAY DISTRICT . Mr. Burke seconded the motion.
The motion passed 7 - 0.

NEW BUSINESS

A. First Reading of Council Bills, Series 2014

1. COUNCIL BILL NO. 28, SERIES 2014 - AN ORDINANCE AMENDING TITLE 12 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “TOWN OF BRECKENRIDGE WATER ORDINANCE,” CONCERNING WATER PLANT INVESTMENT FEES DUE TO THE TOWN FOR RESTAURANTS AND SNACK BAR/ DELICATESSENS

Not heard at this meeting

2. COUNCIL BILL NO. 29, SERIES 2014 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 2 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE , INCLUDING ARTICLES 2A, 2B, 2C, AND 2D THEREOF, CONCERNING THE LICENSING AND REGULATION OF ANIMALS
Mayor Warner read the title into the minutes. Chief Haynes stated this ordinance changes the current animal ordinance to update its language to make it more current with the State and County. Ms. Lawrence asked about the fine schedule for unlawful animal noise, and Chief Haynes clarified where it was in the ordinance. Mr. Burke asked for the definition of "habitual offender." Ms. Haynes stated the definition is three or more offenses in one year, and a minimum fine in addition to the dog offense. She further stated Council should refer to the version handed out at the meeting.

Mr. Gallagher moved to approve COUNCIL BILL NO. 29, SERIES 2014 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 2 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE, INCLUDING ARTICLES 2A, 2B, 2C, AND 2D THEREOF, CONCERNING THE LICENSING AND REGULATION OF ANIMALS. Mr. Burke seconded the motion.
The motion passed 7 - 0.

3. COUNCIL BILL NO. 30, Series 2014 - AN ORDINANCE CONCERNING THE NUMBER OF LICENSES THAT MAY BE ISSUED BY THE LOCAL LICENSING AUTHORITY UNDER CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE , KNOWN AS THE “TOWN OF BRECKENRIDGE 2013 MARIJUANA LICENSING ORDINANCE”

Not heard at this meeting

4. COUNCIL BILL NO. 31, SERIES 2014 - AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE , KNOWN AS THE “TOWN OF BRECKENRIDGE 2013 MARIJUANA LICENSING ORDINANCE,” CONCERNING THE LOCATION OF MEDICAL MARIJUANA BUSINESSES AND RETAIL MARIJUANA ESTABLISHMENTS; SUBMITTING SUCH AMENDMENTS TO THE REGISTERED ELECTORS OF THE TOWN OF BRECKENRIDGE FOR FINAL APPROVAL OR DISAPPROVAL AT A SPECIAL TOWN ELECTION TO BE HELD IN CONNECTION WITH THE GENERAL ELECTION ON NOVEMBER 4, 2014; AND PROVIDING FOR THE CONDUCT OF THE ELECTION

Not heard at this meeting

B. Resolutions, Series 2014

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 (Mr. Brewer)

Mr. Brewer stated he was out of town for the last meeting.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated there was no report other than from the I-70 Coalition, which he sent in an email to Council.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Cast/MMC (Mayor Warner)

Mayor Warner stated there's still tension on the I-70 Coalition regarding paying for another study that studies the economic benefit of the ALS. He further stated construction of

the westbound tunnel is moving along, and use of the hard shoulder will begin sometime soon. He also stated the Forest Service Ski Area Water Rights legal fight seems to be coming to a close.

Mayor Warner stated the Housing Authority is debating a ballot question for 2015 asking for the continuance of the current sales tax to support housing. He also stated the board is looking to refine its communications and looking at a campaign to help people understand what has been done with the tax revenue. Also, he stated several communities have questioned the need for senior housing in general. Mayor Warner stated the transition from workforce to senior housing is becoming an issue in Aspen and Boulder. Also, Ms. Karn Steiglemeier brought up the issue of e-cigarettes in public places. Mr. Burke stated the Restaurant Association may support banning them in the future.

Mayor Warner stated the chipper program was a success, and the County is going to apply for grant money for the program next year.

- B. Breckenridge Open Space Advisory Committee (Ms. Lawrence)
Ms. Lawrence stated some members went with Jeff Zimmerman to look at the Peaks Trail expansion at Peak 8, which allows people to get to Town without going through Cucumber Gulch. She also stated Volunteers for Outdoor Colorado helped to complete the extension of Turks Trail this month. Mr. Brewer stated he rode the new trail and was impressed. Ms. Lawrence further stated there was a piece on 9News about the trail. Mayor Warner stated Scott Reid and his crew has done a great job this summer with expanding the trails.
- C. GoBreck (Ms. Wolfe)
Ms. Wolfe stated there is an Events Committee under the GoBreck board that includes the Ski Resort, the Town, arts groups, and everyone who is conducting an event. She stated Mr. Holman spoke to this group about how to precede the SEPA process, and the group came to the conclusion that there is a need to think through these events, and some things will come to Council. She further stated there are growing pains with events and the Ice Castles were a topic that recently came up and we will bring this event to Council if necessary. Mr. Burke asked if a recommendation about these events would come to Council first, and Ms. Wolfe stated yes, it would be an evaluation process with a recommendation. Mr. Holman stated we need to make sure we are doing things that make sense and have the biggest bang for the buck. Ms. Wolfe stated BMAC started this process and now GoBreck is taking it over. Ms. Wolfe further stated we don't have a master calendar for events at this time, and while the SEPA process has been good with logistics, we need a bigger picture of events.
- D. Breckenridge Heritage Alliance (Ms. Gigliello)
Ms. Gigliello stated she sent an update to the Council by email.
- E. Water Task Force (Mr. Gallagher)
Mr. Gallagher stated the next step is to try to resolve the pending water cases, which includes a meeting on August 22nd with the State Engineer.
- F. Cultural Arts Advisory Committee (Mr. Gallagher and Ms. Wolfe)
Mr. Gallagher stated there was no meeting, but he sent Council members the bio for Michael Lundeen as a nomination to the Cultural Arts Advisory Committee. Ms. Lawrence made a motion to nominate Mr. Lundeen to the Cultural Arts Advisory Committee. Mr. Burke seconded the motion. The nomination passed by voice vote.

OTHER MATTERS

Mayor Warner stated they would do committee updates from the Work Session first.

Mr. Burke stated he believes we need speakers up and down Main Street for big events, and maybe for the next budget Council should think about this. He also asked if we have the conduit to run those wires. Mr. Tom Daugherty, Public Works Director, stated there are conduits for wires. Ms. Lawrence stated she is renting speakers for the duck race, and most individual events rent them. Mr. Daugherty stated there may be a wireless option.

Mr. Burke asked about the North Main Street park, and Mr. Gagen stated the National Historical Register is against adding a restroom in that location because it could change the historical context of that property. Ms. Lawrence stated maybe we need to redesign the park to accommodate that change.

Ms. Gigliello stated she liked the idea of improving Wi-Fi upstairs at the Recreation Center.

Ms. Lawrence stated the sneak peek of the BGV Community Center is this Sunday. She also

stated this is a last fundraising effort.

Mayor Warner stated he received an email from a leadership program that he attended, and they are looking for participants. The program is a week-long and scholarships are available. The program will be in Breckenridge this year.

Mayor Warner also stated Patrick Connellis is the filmmaker for the Marijuana documentary and he is looking for the thoughts of Council members to include in the film.

Mr. Holman stated he is working on a media training in the first part of September, and Nikki will coordinate with Council for a date. Also, there will be a retreat on September 30 for all Council in Vail. The group decided not to meet with Vail Town Council. Mayor Warner stated they plan to hire a facilitator for the meeting.

Ms. Lawrence asked about the bear shooting and Chief Haynes stated there are some things they have found they will do differently in the future. Chief Haynes stated she will be bringing a revision to the penalty ordinance to the Council that will include a change in penalty enforcement for trash violations. Ms. Lawrence asked about messaging to property management companies, and Chief Haynes stated staff has worked with property management companies in the past to educate.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:30 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

John Warner, Mayor