

**CALL TO ORDER, ROLL CALL**

Mayor Warner called the meeting of September 9, 2014 to order at 7:38 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 - AUGUST 26, 2014**

With no changes or corrections to the meeting minutes of August 26th, 2014, Mayor Warner declared they would stand approved as submitted.

**APPROVAL OF AGENDA**

Mr. Gagen stated 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 Comment. Mayor Warner updated the audience on the Work Session discussion about retail marijuana in the Downtown Overlay District. He further stated Ms. Wolfe had a possible conflict of interest on this issue, due to her husband's potential real estate transactions. Ms. Wolfe stated she and her husband, Jack Wolfe, have decided not to entertain any real estate transactions involving possible marijuana business locations. Mr. Wolfe read a statement reflecting this decision into record. After a lengthy discussion, Council agreed to have Ms. Wolfe participate when talking about process, but regarding discussions about policy, Ms. Wolfe could not participate.

Mr. Berry stated Council directed him to prepare a Resolution on an advisory matter that would go to the voters. He also stated the November General Election limits the timeframe for a special election. He stated the Resolution will be on an advisory issue, not on a specific ballot question, and based on the outcome, then the Council may take further action. Mr. Berry stated if it's allowed subject to certain conditions, then Council will need to pass an ordinance to set those conditions.

Mr. Gary Freese, a Breckenridge business owner, distributed a written statement to Council members. Mr. Freese stated he was concerned that the Breckenridge Cannibus Club didn't begin the process to vacate their premises at an earlier date in the spring given their request for 90 days to the new Council. He further stated the inaction raises ethical questions for newly elected Council members, and he believes BCC came before Council this summer with the understanding that their lease would be extended. Mr. Freese stated all three elected candidates received donations from BCC and its employees, and he requests that council recuse these three on votes taken on this issue.

Mayor Warner stated he isn't going to recuse the three members of council and he was the one to first speak with Cannibus Club about this issue in June. Mr. Berry stated if every candidate was disqualified based on contributions, it would hinder the process. Mr. Freese further stated he didn't understand why BCC didn't come to the Council before the self-imposed 90-day timeline. Mayor Warner stated he didn't see the connection, and also stated BCC has a second location on Airport Road that is an option for them. Mayor Warner asked the other Council members about their thoughts on the matter, and Mr. Gallagher stated he spoke to the Town Attorney, and while it was not illegal to receive campaign contributions, the appearance isn't great, and BCC might be risk-takers in not starting that process earlier. Mr. Gallagher stated he doesn't believe there's a conflict of interest. Ms. Wolfe stated that from an ethical standpoint, it would indicate the candidates knew this would be discussed and would be an issue that would come up, and no, she doesn't see a conflict of interest. Mr. Brewer stated he doesn't see a conflict of interest. Mayor Warner stated he would like to see better candidate forums in the future. Mr. Burke stated he supported BCC last year, and while they made the donation so did other people who don't support his point of view on this issue. Ms. Gigliello stated she believes she was honest about her position on the issue when people asked, and Ms. Lawrence stated more of her campaign contributions came from other supporters, including the arts.

Mr. Brian Rogers, of Breckenridge Cannibus Club, stated he wanted to clarify the 90-day request, and if this issue went to a vote of the people they would need time for the move. He further stated BCC was told by Mayor Warner that the issue would be addressed, and Council knew they would keep fighting for their location, and that BCC had its own ballot initiative that they (BCC) intended to take to the voters. Mr. Rogers also stated he fears a special election will attract the "old guard", and he asked that this issue be brought to a general election instead of a special election to make it fair for everyone involved.

Ms. Naomi McMahon, of County Road 452 in Breckenridge, asked the Mayor to clarify about the vote, and Mayor Warner stated it could be a simple yes or no question as Council

determines. She then stated she appreciates that a vote will take place in December, and that's the reason she came to speak with Council tonight.

Mr. Ken Nelson, co-owner of several local businesses, stated he is here as the president of the Restaurant Association and wants to speak about solid waste disposal. He stated the Restaurant Association is concerned the current concessionaire for trash removal might not be performing duties as needed by contract, and he wants to make sure the Sustainable Breck objectives are met. He also stated the association members support grease collection and recycling. Mayor Warner stated the BOCC addressed some of the same concerns about glass contamination and grease recycling, and he has asked Thad Noll to include grease storage in the new recycling center.

Mr. Dara Lorr and Mr. Curt Lang, president of Clear Ecos, stated they currently collect all of the grease in Colorado. Mr. Lang stated he and Mr. Lorr visited the common recycling areas in town and saw some problems. He further stated that sealed containers of oil carried to an outdoor location is a clean way to handle the grease, and that his is the only group that recycles oil in Colorado. He further stated the issue is that the Town of Breckenridge is the only location with weekly service, and only place where they go into the restaurants to collect grease. Mr. Lang stated he would like to move to a 4-week pickup schedule. Mr. Gagen stated the businesses need to deal with the grease recycling problem, and the Town's dumpster buildings are not the place for this. Mr. Lorr then asked about the storage. Mr. Gagen stated there is not a place for grease recycling in the buildings. Mayor Warner stated he would like to have something work and they can meet to discuss it. Mr. Lang stated there is nothing in the buildings that would prohibit grease storage.

There were no additional comments and Citizen's Comment was closed.

**B. GoBreck Update**

Ms. Lucy Kay, CEO of GoBreck, stated she wanted to thank the Council for their continuous support of GoBreck. She stated lodging reports are indicating overall summer growth of 11% over last year, and winter is off about 6% right now. She also stated there is a large conference in town (Colorado Defenders Conference), and the GoBreck Board will have a 5-year strategic planning session later this month. Ms. Kay also stated that at this point GoBreck is making no marketing changes based on marijuana discussions. She stated media highlights include pieces in 5280, the Denver Post, Parents Magazine, and a National Geographic blog, while Breckenridge Oktoberfest was ranked one of the top 10 in the world. Mayor Warner asked about a Breckenridge recap for the USAPCC, and Ms. Kay stated there would be one next Thursday with the Local Organizing Committee.

**CONTINUED BUSINESS**

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

**1. COUNCIL BILL NO. 32, SERIES 2014 - AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SIGN ORDINANCE," CONCERNING SANDWICH BOARD SIGNS**

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. Mr. John Shand, co-owner of Avalanche Sports in Breckenridge, stated he'd love to have a sandwich board at his store, but he's within the downtown core, where it's currently not allowed. He further stated he would recommend more time be spent on the sign ordinance, and better enforcement of the Code. He stated that to have a business in the City Market Shopping Center is an advantage, as it doesn't lack foot or vehicle traffic, but those businesses would be allowed signs by this ordinance.

Mayor Warner clarified there was a task force looking at the signage in the downtown core area. Mayor Warner stated Council seems fairly pro-Conservation District, and the distinction is made for sign restrictions in the Downtown Overlay District. Mr. Burke stated it's more of an issue of the preservation of the Historic District, and not trying to give some businesses an unfair advantage in marketing. Mr. Brewer stated, based on the recommendations of the task force, he would be in favor of enacting both ordinances together at a later date. Council members agreed that it was not the intent to deal with the two ordinances so far apart in time.

Mr. Scott Sodergren, of Blue River Sports in Breckenridge, stated he has lived in Breckenridge for more than 30 years and he doesn't want Breckenridge to look like how it did in the past. He further stated that the Town looked like it was for sale with all of the signs. He also stated the bike race is a big picture event and he applauds the Town for hosting it. He stated this sign ordinance is the first step in the wrong direction.

Ms. Carol Rockne, a Breckenridge resident, stated everyone pays the same business license fees and she believes everything should be equal. She stated it's important to look at this ordinance and keep the code the same for all businesses.

There were no additional comments and the public hearing was closed.

Mayor Warner asked Mr. Berry how to table this ordinance until the task force came back with their recommendations for the Downtown Overlay District. Mr. Berry recommended Council defeat the ordinance and consider a new one with what the task force recommends.

Ms. Gigliello moved to approve COUNCIL BILL NO. 32, SERIES 2014 - AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SIGN ORDINANCE," CONCERNING SANDWICH BOARD SIGNS. There was no second, so the motion did not continue to a vote.

**NEW BUSINESS**

A. First Reading of Council Bills, Series 2014

1. COUNCIL BILL NO. 33, SERIES 2014 - AN ORDINANCE APPROVING A LEASE WITH THE SADDLE ROCK SOCIETY, A COLORADO NON-PROFIT CORPORATION(111 and 117 East Washington Avenue – Barney Ford Museum and J.R. Hodges Tin Shop)

Mayor Warner read the title into the minutes. Mr. Holman stated this ordinance would allow the Town to enter into a long-term lease with the Saddle Rock Society, and the Town would continue to provide minor maintenance to those buildings, as well as operate out of those buildings. He further stated this lease would formalize the Town's long-standing arrangement with the Saddle Rock Society.

Ms. Wolfe moved to approve COUNCIL BILL NO. 33, SERIES 2014 - AN ORDINANCE APPROVING A LEASE WITH THE SADDLE ROCK SOCIETY, A COLORADO NON-PROFIT CORPORATION (111 and 117 East Washington Avenue – Barney Ford Museum and J.R. Hodges Tin Shop). Mr. Burke seconded the motion.

The motion passed 7 - 0.

2. COUNCIL BILL NO. 34, SERIES 2014 - AN ORDINANCE AUTHORIZING THE EXECUTION OF A "FOURTH AMENDMENT TO LEASE" WITH CORUM BRECKENRIDGE EQUITIES, LLC, A COLORADO LIMITED LIABILITY COMPANY(PINEWOOD VILLAGE)

Mayor Warner read the title into the minutes. Mr. Gagen stated this ordinance is one of three actions that would amend the current land lease related to Pinewood 1. He further stated the other two legislative actions are related to the loan documents that the Town is required to execute. Mr. Berry asked the Clerk to put into record the current structure of the LLC, which was handed out to Council members at the meeting.

Mr. Gallagher moved to approve COUNCIL BILL NO. 34, SERIES 2014 - AN ORDINANCE AUTHORIZING THE EXECUTION OF A "FOURTH AMENDMENT TO LEASE" WITH CORUM BRECKENRIDGE EQUITIES, LLC, A COLORADO LIMITED LIABILITY COMPANY (PINEWOOD VILLAGE). Mr. Burke seconded the motion.

The motion passed 7 - 0.

B. Resolutions, Series 2014

1. RESOLUTION NO. 15, SERIES 2014 - A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTAIN ADDITIONAL DOCUMENTATION IN CONNECTION WITH THE PREVIOUSLY APPROVED LOAN AGREEMENT WITH BRECKENRIDGE VILLAGE APARTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY (PINEWOOD VILLAGE)

Mayor Warner read the title into the minutes. Mr. Gagen stated Council should refer to his previous explanation of this Resolution as part of what is needed for the Pinewood project.

Mr. Gallagher moved to Approve RESOLUTION NO. 15, SERIES 2014 - A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTAIN ADDITIONAL DOCUMENTATION IN CONNECTION WITH THE PREVIOUSLY APPROVED LOAN AGREEMENT WITH BRECKENRIDGE VILLAGE APARTMENTS, LLC, A COLORADO LIMITED LIABILITY COMPANY (PINEWOOD VILLAGE). Ms. Wolfe seconded the motion.

The motion passed 7 - 0.

2. RESOLUTION NO. 16, SERIES 2014 - A RESOLUTION APPROVING THE ASSIGNMENT OF THE TENANT'S INTEREST IN A LEASE (PINEWOOD VILLAGE)

Mayor Warner read the title into the minutes. Mr. Gagen stated Council should refer to his previous explanation of this Resolution as part of what is needed for the Pinewood project.

Mr. Burke moved to approve RESOLUTION NO. 16, SERIES 2014 - A RESOLUTION

APPROVING THE ASSIGNMENT OF THE TENANT'S INTEREST IN A LEASE (PINEWOOD VILLAGE). Mr. Gallagher seconded the motion.  
The motion passed 7 - 0.

3. RESOLUTION NO. 17, SERIES 2014 - A RESOLUTION NAMING CERTAIN PROPERTIES LOCATED WITHIN THE TOWN'S "ARTS DISTRICT"  
Mayor Warner read the title into the minutes. Mr. Gagen stated this Resolution formalizes the naming of the buildings in the recently renovated Arts District.  
Ms. Lawrence moved to approve RESOLUTION NO. 17, SERIES 2014 - A RESOLUTION NAMING CERTAIN PROPERTIES LOCATED WITHIN THE TOWN'S "ARTS DISTRICT". Mr. Brewer seconded the motion.  
The motion passed 7 - 0.

C. Other

#### **PLANNING MATTERS**

A. Planning Commission Decisions

Mayor Warner stated there were no planning decisions to discuss.

B. Planning Commission Report (Mr. Brewer)

Mr. Brewer stated his report was included as part of the packet and the Triumph Development application was delayed because some of the required public notices were returned by the mail.

#### **REPORT OF TOWN MANAGER AND STAFF**

Mr. Gagen stated he attended a meeting with the CDOT staff regarding the Four O'Clock roundabout, and the project is lacking funding right now. He further stated the CDOT staff understands the Town has come to the plate with money twice, and now the cost is more. Two other alternatives from CDOT included adding a signal there, or trying to raise the ranking of the project to get additional funds if the Town/County are willing to provide more money for the project. He also stated the Town signed an IGA with CDOT 5 or 6 years ago where the Town agreed to provide funds and also make up the difference in cost for the project. Mr. Gagen stated it would perhaps take only \$50,000 to \$100,000 more to be bumped up in rank for the project. Also, attendees at the meeting at CDOT discussed temporary improvements that would make the crosswalk safer. Mr. Burke stated he believes the Town should push CDOT to make temporary changes due to safety concerns. Council members then agreed to offer the additional funds needed to help raise the ranking of the project.

#### **REPORT OF MAYOR AND COUNCILMEMBERS**

A. Cast/MMC (Mayor Warner)

Mayor Warner stated he gave his report earlier.

B. Breckenridge Open Space Advisory Committee (Ms. Lawrence)

Ms. Lawrence stated she had no report.

C. GoBreck (Ms. Wolfe)

Ms. Wolfe stated Ms. Kay covered the update in her GoBreck report at the beginning of the meeting.

D. Breckenridge Heritage Alliance (Ms. Gigliello)

Ms. Gigliello stated she emailed her update to the Council.

E. Water Task Force (Mr. Gallagher)

Mr. Gallagher stated Mr. Gagen covered the update in the Work Session.

F. Cultural Arts Advisory Committee (Mr. Gallagher and Ms. Wolfe)

Mr. Gallagher stated the committee has agreed to proceed with landscaping on the roundabout, and not another form of art.

#### **OTHER MATTERS**

Mr. Burke stated he believes the "Breck Because" chalkboards in Blue River Plaza need to be better maintained, as some are lacking chalk and erasers.

#### **SCHEDULED MEETINGS**

#### **ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 9:37 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

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John Warner, Mayor