

I) CALL TO ORDER, ROLL CALL

Mayor Pro Tem Owens called the meeting of February 28, 2023, to order at 7:00pm. The following members answered roll call: Todd Rankin, Carol Saade, Dick Carleton, Jay Beckerman, Jeffrey Bergeron and Mayor Pro Tem Kelly Owens. Mayor Eric Mamula was absent.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – FEBRUARY 14, 2023

With no changes or corrections to the meeting minutes of February 14, 2023, Mayor Pro Tem Owens declared they would stand approved as presented.

III) APPROVAL OF AGENDA

Deputy Town Manager Shannon Haynes stated there were no changes to the agenda. Mayor Pro Tem Owens declared the agenda approved as presented.

IV) COMMUNICATIONS TO COUNCIL

A) PUBLIC COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

Mayor Pro Tem Owens opened Public Comment.

Bill Wishowski, speaking as a local resident, stated he is concerned about traffic flow and pedestrian crossings in the Riverwalk corridor, specifically in the section by the river where the bike path is now located. He wondered why bikes would be by the river where the tables are, and the pedestrian path would cross the parking lot, and suggested this should be switched.

There were no additional public comments and Mayor Pro Tem Owens closed Public Comment.

B) BRECKENRIDGE TOURISM OFFICE UPDATE

Bill Wishowski, Breckenridge Tourism Office Director of Operations, stated March 23 is the Board of Directors retreat and he invited the Council to attend. He then presented the lodging update and noted that winter season room nights are down 8% year over year, and summer bookings are down 20%, while group business is pretty solid, and individual travelers are down. Wishowski stated revenue per available room (RevPAR) is down 10% for winter nights, and down 32% for summer year over year. Wishowski explained timeshares are not registered by Key Data and it seems that larger units are not booking as much.

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2023 - PUBLIC HEARINGS

1) COUNCIL BILL NO. 2, SERIES 2023 - COUNCIL BILL NO. 2, SERIES 2023 - AN ORDINANCE CREATING LAND USE DISTRICT 46 AND PLACING 8.8 ACRES OF THE STILLSON PROPERTY IN THE NEW LAND USE DISTRICT 46. (A portion of TR 6-77 Sec 31 Qtr 4 Mining Claim(s) cont 38.868 acres STILLSON PATCH PLACER MYRTLE ANNIE LODGE MS#1466, 8.4 acres, more or less)

Mayor Pro Tem Owens read the title into the minutes. Michelle Dollmaier, Planner III, stated this ordinance creates a new LUD for the purpose of an upcoming housing development on Stillson Patch Placer. She further stated that a minor acreage change was made between first and second reading.

Mayor Pro Tem Owens opened the public hearing. There were no public comments and the hearing was closed.

Council Member Bergeron moved to approve COUNCIL BILL NO. 2, SERIES 2023 - AN ORDINANCE CREATING LAND USE DISTRICT 46 AND PLACING 8.4 ACRES OF THE STILLSON PROPERTY IN THE NEW LAND USE DISTRICT 46. (A portion of TR 6-77 Sec 31 Qtr 4 Mining Claim(s) cont 38.868 acres STILLSON PATCH PLACER MYRTLE ANNIE LODGE MS#1466, 8.8 acres, more or less). Council Member Beckerman seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

- 2) **COUNCIL BILL NO. 3, SERIES 2023 - A BILL FOR AN ORDINANCE TO REDUCE SINGLE USE PLASTICS AND IN CONNECTION THEREWITH ESTABLISHING FINES AND PENALTIES**

Mayor Pro Tem Owens read the title into the minutes. Kristin Brownson, Assistant Director of Public Works, stated this ordinance would raise the carryout bag fee to \$0.25, and ban plastic beverage containers of less than half gallon in size (with some exceptions) and carryout containers, among other things as discussed in the work session. She stated changes from first reading were noted in the memo in the packet.

Mayor Pro Tem Owens opened the public hearing.

Andrew Crawford, store leader of Breckenridge City Market, stated he believes this ordinance would present a hardship for the store, and for other town businesses. He stated he believes guests and visitors would then shop in stores outside of Breckenridge. Crawford also noted for the record that he did not sign any petition in favor of this ordinance.

Kelly McGann, representing City Market, stated City Market opposes this ordinance, although they support the sustainability goals. She stated there are not viable alternatives for some of these products for customers, and the proposed change would be significant and would impact nearly 5,000 products in the store. She also stated the bill would create hardships for families.

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

Council Member Bergeron stated his goal has always been to reduce single use plastic water bottles. Council Member Carleton stated whether we pass it or not we will need to listen to stakeholders. Mayor Pro Tem Owens stated we have roundtables scheduled in the future, and Council Member Beckerman stated we all have the same goal, but how we get there might be different. He also stated he is not in support of passing something to get attention and something that needs to be amended in the future. Council Member Beckerman stated our goal in sustainability is not progressing with this ordinance and there may be unintended consequences to passing this ordinance that will negatively impact residents and guests. He stated he supports the sustainability efforts, but not the approach. Council Member Owens asked if there was a way to approve this ordinance with single use plastic water bottles instead of all single use plastic bottles. Attorney Kirsten Crawford stated Council must pass or fail this ordinance tonight in its current form and advised Council to make a motion and take a vote. Council Member Bergeron stated he is conflicted on this ordinance. Council Member Rankin stated he shares Council Member Beckerman's concerns about the ordinance as written.

Council Member Carleton moved to approve **COUNCIL BILL NO. 3, SERIES 2023 - A BILL FOR AN ORDINANCE TO REDUCE SINGLE USE PLASTICS AND IN CONNECTION THEREWITH ESTABLISHING FINES AND PENALTIES**.

Council Member Saade seconded the motion.

The motion FAILED 1-6, with Mayor Pro Tem Owens voting in favor. Mayor Mamula was absent.

- 3) **COUNCIL BILL NO. 4, SERIES 2023 - A BILL FOR AN ORDINANCE TO EXEMPT RECYCLED PAPER CARRYOUT BAG FEE FROM SALES TAX CODE**

Mayor Pro Tem Owens read the title into the minutes. Kristin Brownson, Assistant Director of Public Works, stated this ordinance would exempt the carryout bag fee from sales tax. There are no changes to this ordinance from first reading.

Mayor Pro Tem Owens opened the public hearing. There were no public comments and the hearing was closed.

Council Member Bergeron moved to approve **COUNCIL BILL NO. 4, SERIES 2023 - A BILL FOR AN ORDINANCE TO EXEMPT RECYCLED PAPER CARRYOUT BAG FEE FROM SALES TAX CODE**. Council Member Beckerman seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

- 4) **COUNCIL BILL NO. 5, SERIES 2023 - A BILL FOR AN ORDINANCE AMENDING TITLE 12, CHAPTER 3, PERTAINING TO THE TOWN'S WATER SYSTEM CROSS**

**CONNECTION CONTROL PROGRAM AND IN CONNECTION THEREWITH
ADOPTING CIVIL PENALTIES FOR FAILURE TO COMPLY WITH THE
PROGRAM REQUIREMENTS**

Mayor Pro Tem Owens read the title into the minutes. James Phelps, Director of Public Works, stated this ordinance will amend code to provide authority to the Town to impose penalties for failure to comply with backflow program requirements. He further stated there is a minor change from first reading to clarify gauges and testing.

Mayor Pro Tem Owens opened the public hearing. There were no public comments and the hearing was closed.

Council Member Bergeron moved to approve COUNCIL BILL NO. 5, SERIES 2023 - A BILL FOR AN ORDINANCE AMENDING TITLE 12, CHAPTER 3, PERTAINING TO THE TOWN'S WATER SYSTEM CROSS CONNECTION CONTROL PROGRAM AND IN CONNECTION THEREWITH ADOPTING CIVIL PENALTIES FOR FAILURE TO COMPLY WITH THE PROGRAM REQUIREMENTS. Council Member Saade seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

- 5) **COUNCIL BILL NO. 6, SERIES 2023 - AN ORDINANCE AUTHORIZING THE GRANTING OF EASEMENTS TO PUBLIC SERVICE COMPANY OF COLORADO FOR THE INSTALLATION OF ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND XCEL ENERGY OWNED CHARGING EQUIPMENT**
Mayor Pro Tem Owens read the title into the minutes. James Phelps, Director of Public Works, stated there were no changes to this ordinance from first reading.

Mayor Pro Tem Owens opened the public hearing. There were no public comments and the hearing was closed.

Council Member Bergeron moved to approve COUNCIL BILL NO. 6, SERIES 2023 - AN ORDINANCE AUTHORIZING THE GRANTING OF EASEMENTS TO PUBLIC SERVICE COMPANY OF COLORADO FOR THE INSTALLATION OF ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND XCEL ENERGY OWNED CHARGING EQUIPMENT. Council Member Beckerman seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

VI) NEW BUSINESS

- A) **FIRST READING OF COUNCIL BILLS, SERIES 2023**
1) **COUNCIL BILL NO. 7, SERIES 2023 - A BILL FOR AN ORDINANCE FOR POLICY 3A PERTAINING TO DENSITY AND MAKING CONFORMING AMENDMENTS**
Mayor Pro Tem Owens read the title into the minutes. Stefi Szrek, Planner II, stated this ordinance clarifies code changes, including allowing a bonus for carriage houses in the Wellington Neighborhood, an exemption for garages and sheds in the historic district, and cleans up additional language as detailed in the memo in the packet.

Mayor Pro Tem Owens opened the public hearing. There were no public comments and the hearing was closed.

Council Member Bergeron moved to approve COUNCIL BILL NO. 7, SERIES 2023 - A BILL FOR AN ORDINANCE FOR POLICY 3A PERTAINING TO DENSITY AND MAKING CONFORMING AMENDMENTS. Council Member Saade seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

- 2) **COUNCIL BILL NO. 8, SERIES 2023 - A BILL FOR AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO NONCONFORMING STRUCTURES**
Mayor Pro Tem Owens read the title into the minutes. Stefi Szrek, Planner II, stated this ordinance would clarify language in regard to nonconforming structures, allowing them to be rebuilt as they stand today.

Mayor Pro Tem Owens opened the public hearing. There were no public comments and the hearing was closed.

Council Member Bergeron moved to approve COUNCIL BILL NO. 8, SERIES 2023 - A BILL FOR AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO NONCONFORMING STRUCTURES. Council Member Beckerman seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

- 3) COUNCIL BILL NO. 9, SERIES 2023 - A BILL FOR AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH GONDOLA LOT PROPERTIES LLC
Mayor Pro Tem Owens read the title into the minutes. Chris Kulick, Planning Manager, stated this ordinance would extend the vesting of the gondola lot master plan for six months, with the option to extend an additional six months at the discretion of Council. He further stated that in exchange the applicant is offering a \$100,000 contribution to an in-town childcare facility, with the extension requiring an additional donation for the same purpose.

Mayor Pro Tem Owens opened the public hearing. There were no public comments and the hearing was closed. Mr. Carleton asked about clarifying the “owner” of the property in the ordinance, and if the contribution can be used toward a current facility or a new facility. Kulick stated he will review the ownership question prior to second reading the the contribution can be to a current facility for an addition or a new facility.

Council Member Bergeron moved to approve COUNCIL BILL NO. 9, SERIES 2023 - A BILL FOR AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH GONDOLA LOT PROPERTIES LLC. Council Member Beckerman seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

- 4) COUNCIL BILL NO. 10, SERIES 2023 - A BILL FOR AN ORDINANCE ESTABLISHING THE AUTHORITY AND USE OF THE VALLEY BROOK CEMETERY
Mayor Pro Tem Owens read the title into the minutes. Kirsten Crawford, Town Attorney, stated this is a clean-up bill for the operation of the cemetery and revised rules and regulations will follow at a future meeting.

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

Council Member Bergeron moved to approve COUNCIL BILL NO. 10, SERIES 2023 - A BILL FOR AN ORDINANCE ESTABLISHING THE AUTHORITY AND USE OF THE VALLEY BROOK CEMETERY. Council Member Beckerman seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

- B) RESOLUTIONS, SERIES 2023
1) RESOLUTION NO. 6, SERIES 2023 - A RESOLUTION MAKING SUPPLEMENTAL AND REDUCED APPROPRIATIONS TO THE 2023 TOWN BUDGET
Mayor Pro Tem Owens read the title into the minutes. Dave Byrd, Finance Director, stated this resolution would make supplemental and reduced appropriations to the 2023 Town Budget as detailed in the memo in the packet.

Mayor Pro Tem Owens opened the public hearing. There were no public comments and the hearing was closed.

Council Member Bergeron moved to approve RESOLUTION NO. 6, SERIES 2023 - A RESOLUTION MAKING SUPPLEMENTAL AND REDUCED APPROPRIATIONS TO THE 2023 TOWN BUDGET. Council Member Saade seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

- 2) RESOLUTION NO. 7, SERIES 2023 - A JOINT RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE AND THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO ESTABLISHING A NEW METHODOLOGY TO DETERMINE THE PRICE OF ONE "TRANSFERABLE DEVELOPMENT RIGHT" (TDR) SOLD BY THE TOWN AND THE COUNTY PURSUANT TO THE "AMENDED INTERGOVERNMENTAL AGREEMENT CONCERNING TRANSFERRED DEVELOPMENT RIGHTS" DATED AND EFFECTIVE APRIL 10, 2007

Mayor Pro Tem Owens read the title into the minutes. Mark Truckey, Director of Community Development, stated this resolution would amend the Town and County's process establishing the price of TDRs, raise the current price of TDRs, and adjust the price annually.

Mayor Pro Tem Owens opened the public hearing. There were no public comments and the hearing was closed.

Council Member Bergeron moved to approve RESOLUTION NO. 7, SERIES 2023 - A JOINT RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE AND THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO ESTABLISHING A NEW METHODOLOGY TO DETERMINE THE PRICE OF ONE "TRANSFERABLE DEVELOPMENT RIGHT" (TDR) SOLD BY THE TOWN AND THE COUNTY PURSUANT TO THE "AMENDED INTERGOVERNMENTAL AGREEMENT CONCERNING TRANSFERRED DEVELOPMENT RIGHTS" DATED AND EFFECTIVE APRIL 10, 2007. Council Member Beckerman seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

- 3) RESOLUTION NO. 8, SERIES 2023 - A RESOLUTION AUTHORIZING THE TOWN OF BRECKENRIDGE TO EXERCISE AN OPTION TO EXTEND THE TERM OF THE CONTRACT BETWEEN THE UNITED STATES AND THE TOWN OF BRECKENRIDGE FOR WATER STORAGE SPACE IN GREEN MOUNTAIN RESERVOIR FOR 40 YEARS UNTIL APRIL 30, 2065

Mayor Pro Tem Owens read the title into the minutes. Kirsten Crawford, Town Attorney, stated that our current agreement with the federal government requires advance notice if we plan to extend our storage rights in Green Mountain Reservoir for the next 40 years, and this resolution is required for the notice.

Mayor Pro Tem Owens opened the public hearing. There were no public comments and the hearing was closed.

Council Member Bergeron moved to approve RESOLUTION NO. 8, SERIES 2023 - A RESOLUTION AUTHORIZING THE TOWN OF BRECKENRIDGE TO EXERCISE AN OPTION TO EXTEND THE TERM OF THE CONTRACT BETWEEN THE UNITED STATES AND THE TOWN OF BRECKENRIDGE FOR WATER STORAGE SPACE IN GREEN MOUNTAIN RESERVOIR FOR 40 YEARS UNTIL APRIL 30, 2065. Council Member Carleton seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

- C) OTHER

VII) PLANNING MATTERS

- A) PLANNING COMMISSION DECISIONS

Mayor Pro Tem Owens declared the Planning Commission Decisions would stand approved as presented.

- B) PLANNING COMMISSION APPOINTMENT

Mayor Pro Tem Owens stated the applicants for the open seat are Elaine Gort and Andrea Rosenthal. These applicants were interviewed during the work session. A third applicant was not present for the interview. Council voted and Elaine Gort received 4 votes, while Andrea Rosenthal received 2 votes.

Council Member Bergeron moved to appoint Elaine Gort to the Planning Commission to serve the remainder of the vacant term. Council Member Beckerman seconded the motion.

The motion passed 6-0. Mayor Mamula was absent.

VIII) REPORT OF TOWN MANAGER AND STAFF

Shannon Haynes stated CAST is coming up and reminded Council to let us know if they plan to attend. She also stated Scott Reid will be the acting Town Manager Thursday to Tuesday.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

Reports of Mayor and Council Members were covered during the afternoon Work Session.

A. CAST/MMC

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE

C. BRECKENRIDGE TOURISM OFFICE

D. BRECKENRIDGE HISTORY

E. BRECKENRIDGE CREATIVE ARTS

F. BRECKENRIDGE EVENTS COMMITTEE

G. CHILD CARE ADVISORY COMMITTEE

H. WORKFORCE HOUSING COMMITTEE

I. SOCIAL EQUITY ADVISORY COMMISSION

X) OTHER MATTERS

Council Member Bergeron asked about adding poop bag dispensers in Vista Point, and staff stated Public Works will be making a recommendation at a future meeting. Council Member Rankin stated he has heard bathrooms are needed in the Airport Road parking lot, and Council Member Bergeron stated bathrooms are needed on Hoosier Pass as well.

XI) SCHEDULED MEETINGS

A) SCHEDULED MEETINGS FOR FEBRUARY, MARCH AND APRIL

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:58pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Kelly Owens, Mayor Pro Tem