

CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of March 28, 2017 to order at 7:00 pm. The following members answered roll call: Mr. Dudick, Mr. Bergeron, Ms. Lawrence, Ms. Wolfe, Ms. Gigliello and Mayor Mamula. Mr. Burke was absent.

APPROVAL OF MINUTES - MARCH 14, 2017

Ms. Wolfe stated that she would like to correct her statement in the Breckenridge Tourism Office Update to add the word "perhaps" in regard to people spending more money. With no additional changes or corrections to the meeting minutes of March 14, 2017, Mayor Mamula declared they would stand approved as corrected.

APPROVAL OF AGENDA

Mr. Holman stated there were no changes to the agenda. Mayor Mamula declared the agenda approved as presented.

COMMUNICATIONS TO COUNCIL

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

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

B. Breckenridge Ski Resort Update

Mr. John Buhler, COO of Breckenridge Ski Resort, stated Breck Pride was a new event this year and the Resort thought it was a success, and would like to continue to hold this event. In addition, spring events are going on now, with more events to come, including a pond skimming event on Peak 8 on closing day. Mr. Buhler stated they are ramping down operations now, and closing some areas. He also requested five minutes of time with Council at the next meeting to discuss summer activities.

CONTINUED BUSINESS

A. Second Reading of Council Bills, Series 2017 - Public Hearings

1. COUNCIL BILL NO. 5, SERIES 2017 - AN ORDINANCE AMENDING SECTION 1-4-4 OF THE BRECKENRIDGE TOWN CODE CONCERNING COMMITMENT TO JAIL FOR FAILURE TO PAY A MUNICIPAL COURT FINE

Mayor Mamula read the title into the minutes. Mr. Tim Berry stated there were no changes to this ordinance from first reading.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 5, SERIES 2017 - AN ORDINANCE AMENDING SECTION 1-4-4 OF THE BRECKENRIDGE TOWN CODE CONCERNING COMMITMENT TO JAIL FOR FAILURE TO PAY A MUNICIPAL COURT FINE. Ms. Gigliello seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

2. COUNCIL BILL NO. 6, SERIES 2017 - AN ORDINANCE AMENDING CHAPTER 8 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE USE OF A COLLECTION AGENCY TO COLLECT UNPAID FINES OR FEES IN THE MUNICIPAL COURT

Mayor Mamula read the title into the minutes. Mr. Tim Berry stated there were no changes to this ordinance from first reading.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 6, SERIES 2017 - AN ORDINANCE AMENDING CHAPTER 8 OF TITLE 1 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE USE OF A COLLECTION AGENCY TO COLLECT UNPAID FINES OR FEES IN THE MUNICIPAL COURT. Ms. Gigliello seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

3. COUNCIL BILL NO. 7, SERIES 2017 - AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 12 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL WATER SYSTEM OF THE TOWN; PROVIDING FOR AN AUTOMATIC ANNUAL INCREASE OF CERTAIN FEES AND CHARGES DUE TO THE TOWN UNDER CHAPTER 4 OF TITLE 12 OF THE BRECKENRIDGE TOWN CODE; AND PROVIDING DETAILS IN CONNECTION THEREWITH

Mayor Mamula read the title into the minutes. Mr. Brian Waldes stated there were no

changes to this ordinance from first reading.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 7, SERIES 2017 - AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 12 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL WATER SYSTEM OF THE TOWN; PROVIDING FOR AN AUTOMATIC ANNUAL INCREASE OF CERTAIN FEES AND CHARGES DUE TO THE TOWN UNDER CHAPTER 4 OF TITLE 12 OF THE BRECKENRIDGE TOWN CODE; AND PROVIDING DETAILS IN CONNECTION THEREWITH. Ms. Lawrence seconded the motion.
The motion passed 6 - 0. Mr. Burke was absent.

4. COUNCIL BILL NO. 8, SERIES 2017 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF TITLE 3 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE SALES TAX ORDINANCE"
Mayor Mamula read the title into the minutes. Mr. Waldes stated there were no changes to this ordinance from first reading.

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

Ms. Lawrence moved to approve COUNCIL BILL NO. 8, SERIES 2017 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF TITLE 3 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE SALES TAX ORDINANCE". Ms. Wolfe seconded the motion.
The motion passed 6 - 0. Mr. Burke was absent.

5. COUNCIL BILL NO. 9, SERIES 2017 - AN ORDINANCE PROHIBITING THE OPERATION OF ELECTRICAL ASSISTED BICYCLES ON ALL TOWN-OWNED RECREATIONAL PATHS
Mayor Mamula read the title into the minutes. Mr. Tim Berry stated the primary purpose of this ordinance is to repeal a prior ordinance allowing electrical assisted devices in Town. He further stated there are amendments to this ordinance from first reading related to the parks ordinance portion.

Mr. Justin Hildebrand, a local resident, stated he disagreed with removing e-bikes from the recreation path, as they provide a good opportunity for kids and older people to ride bikes to work and to school, and he doesn't believe there have been any studies showing e-bikes cause damage. He further stated that as a small community Breckenridge has the opportunity to stand up and say it cares about the environment and parking and cars on the road. He also suggested signage could be put up on the path for areas where e-bikes aren't allowed.

Mr. Richard Chower, of 212 S. High Street, stated he has been to Zermatt in Switzerland, where they use e-bikes, and e-bikes must be embraced to further this mode of transportation. He further stated e-bikes are widely embraced in the Netherlands, and roads are being built around e-bikes, and this is a good solution for the environment. He also stated he works at Alpine Sports. He stated he could ride a bike, but could use an e-bike for errands or on trails because he wants to be active and he's 61 years old.

Mr. Bergeron stated these are two well-spoken citizens and they are very reasonable. He further stated this ordinance has been directed to people who have been disregarding the rules of other jurisdictions, and right now we need to be consistent with the County's restrictions. He also stated he agrees with almost everything said, but he has to go with the wishes of the Forest Service and the County. Ms. Wolfe stated Breckenridge only controls about 3 miles of the Rec Path, and people are not turning around on Town property. Ms. Ann Murphy stated the Town and County allow e-bikes on paths for ADA reasons. Mayor Mamula stated the Town is coming in line with our partners who run the rest of the Rec Path system. Ms. Wolfe stated BOSAC is well aware that this issue will be revisited in the future, but we thought it was better to come into compliance with our partners and then we can all move together. Mr. Dudick stated he is not going to vote for this, and he doesn't want to pass this just to be compliant. Ms. Lawrence stated that for people living in Farmers Korner this is tough, and she thinks we may have some unintended consequences from this ordinance. She further stated an obstacle has been getting the bike shops to be compliant. Ms. Gigliello stated BOSAC has advised us on this matter and we are not connecting one town to another with our previous ordinance.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 9, SERIES 2017 - AN ORDINANCE PROHIBITING THE OPERATION OF ELECTRICAL ASSISTED BICYCLES ON ALL TOWN-OWNED RECREATIONAL PATHS. Ms. Wolfe seconded the motion.

The motion passed 5 - 1. Mr. Dudick dissented. Mr. Burke was absent.

NEW BUSINESS

A. First Reading of Council Bills, Series 2017 - Public Hearings

1. COUNCIL BILL NO. 10, SERIES 2017 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH BARBARA CROSS TABB

Mayor Mamula read the title into the minutes. Mr. Berry stated Council supported a development agreement with Barbara Cross Tabb for this property, and this ordinance would approve it. Mr. Daniel Teodoru, attorney for Ms. Cross Tabb, thanked the Council for working with them on this.

Mr. Bergeron moved to approve COUNCIL BILL NO. 10, SERIES 2017 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT WITH BARBARA CROSS TABB. Ms. Lawrence seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

2. COUNCIL BILL NO. 11, SERIES 2017 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN TOWN-OWNED REAL PROPERTY TO THE TOWN OF BRECKENRIDGE HOUSING AUTHORITY

Mayor Mamula read the title into the minutes. Mr. Tim Berry stated this ordinance would allow for the transfer of the Denison Placer property to the Breckenridge Housing Authority.

Ms. Gigliello moved to approve COUNCIL BILL NO. 11, SERIES 2017 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN TOWN-OWNED REAL PROPERTY TO THE TOWN OF BRECKENRIDGE HOUSING AUTHORITY.

Ms. Wolfe seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

B. Resolutions, Series 2017

1. RESOLUTION NO. 8, SERIES 2017 - A RESOLUTION BY THE TOWN OF BRECKENRIDGE (THE "TOWN"), A BODY CORPORATE AND POLITIC UNDER THE LAWS OF THE STATE OF COLORADO, AUTHORIZING A PERMANENT LOAN TO PINEWOOD VILLAGE 2, LLLP, A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP (THE "PARTNERSHIP"), IN CONNECTION WITH THE PINEWOOD VILLAGE 2 HOUSING PROJECT IN BRECKENRIDGE, COLORADO (THE "PROJECT")

Mayor Mamula read the title into the minutes. Ms. Laurie Best stated this resolution would authorize a loan to the LLLP for the Pinewood Village 2 Housing Project.

Mr. Bergeron moved to approve RESOLUTION NO. 8, SERIES 2017 - A RESOLUTION BY THE TOWN OF BRECKENRIDGE (THE "TOWN"), A BODY CORPORATE AND POLITIC UNDER THE LAWS OF THE STATE OF COLORADO, AUTHORIZING A PERMANENT LOAN TO PINEWOOD VILLAGE 2, LLLP, A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP (THE "PARTNERSHIP"), IN CONNECTION WITH THE PINEWOOD VILLAGE 2 HOUSING PROJECT IN BRECKENRIDGE, COLORADO (THE "PROJECT"). Ms. Gigliello seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

2. RESOLUTION NO. 9, SERIES 2017 - A RESOLUTION APPROVING THE "RETAIL SALES TAX LOCATION CODE ERROR REIMBURSEMENT AGREEMENT"

Mayor Mamula read the title into the minutes. Mr. Waldes stated this resolution would allow the Town to enter into an IGA with the County and the other towns in the County that would facilitate processes to correct location code errors that can occur with local vendors and can result in incorrect sales tax allocations to each town.

Mr. Bergeron moved to approve RESOLUTION NO. 9, SERIES 2017 - A RESOLUTION APPROVING THE "RETAIL SALES TAX LOCATION CODE ERROR REIMBURSEMENT AGREEMENT". Ms. Wolfe seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

C. Other

1. Vote to Retain Council Seat from Absences

The Council voted to retain the seat of Mr. Mark Burke, who was absent for his third consecutive meeting. According to Charter, the Council must take action to retain a council member who has been absent for three consecutive meetings.

Mr. Bergeron moved to retain the Council seat of Mr. Burke. Mr. Dudick seconded the motion.

The motion passed 6 - 0. Mr. Burke was absent.

2. Child Care Advisory Committee Appointments
Ms. Gigliello stated a sub-committee interviewed applicants for the Child Care Advisory Committee and made the recommendation to Town Council to appoint the following new members: Greta Shackelford, Laura Amedro, Jay Homola, Aaron Ness, and Julie Paradysz. Ms. Gigliello moved to approve the appointments as recommended. Mr. Bergeron seconded the motion.
The motion passed 6 - 0. Mr. Burke was absent.

PLANNING MATTERS

- A. Planning Commission Decisions

With no request to call an item off the consent calendar, Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated he would like Council to respond to HCCC's request for representatives from Breckenridge to serve on a Task Force with the County for recycling best practices and diversion. Council appointed Mr. Dudick to this role.

REPORT OF MAYOR AND COUNCILMEMBERS

- A. Cast/MMC (Mayor Mamula)

Mayor Mamula stated there was no report.

- B. Breckenridge Open Space Advisory Committee (Ms. Wolfe)

Ms. Wolfe stated BOSAC discussed a report card on Cucumber Gulch and the lower part of the gulch is okay, but the upper sediment pond is not doing well. She further stated there is not much hope that the beavers will return, so we may need to intervene. She stated BOSAC asked if construction could be creating the inflow of sediment, and no, it's the natural flow through the Ski Resort, and the problem is that we can't just let it go, and eventually it will harm the gulch. Ms. Murphy suggested maybe a management agreement with the Ski Resort would help. Mr. Bergeron stated there is a precedent that has been set. Mr. Reid clarified that in the past the Ski Resort has partnered with us for mitigation, and he suggested partnering with the Ski Resort for this approach. Mr. Reid also stated the short term solution would be to dredge, but the long term solution would be to keep sediment from entering the Gulch. Mayor Mamula stated he believes this issue is separate from other issues the Town may or may not be dealing with with the Ski Resort. Mr. Bergeron stated the motivation to start the Open Space fund was Cucumber Gulch, and it's vital to the health of the area.

- C. Breckenridge Tourism Office (Ms. Gigliello)

Ms. Gigliello stated the update from Ms. Kay earlier in the meeting was complete; the terms were changed for board members to 3 years, and the sales team won an award.

- D. Breckenridge Heritage Alliance (Mr. Burke)

Mr. Burke was not present for an update. Ms. Wolfe stated she attended a meeting about ski memorabilia on Mr. Burke's behalf.

- E. Water Task Force (Mr. Dudick)

Mr. Dudick stated there was no meeting.

- F. Breckenridge Creative Arts (Ms. Lawrence)

Ms. Lawrence stated the Public Art Advisory Committee will present the arts master plan in April, and the group worked on HR-related information.

Breckenridge Events Committee (Mr. Bergeron)

Ms. Lawrence stated there was no meeting.

OTHER MATTERS

Mr. Bergeron stated the Grants award is Monday night.

Ms. Lawrence asked to change the June Coffee Talk because it is during the CML conference.

Ms. Lawrence asked about people selling items in Blue River Plaza, and how it is regulated. She further stated that she remembers having a discussion about having a more regular presence downtown. Mr. Holman stated we can't prohibit people giving things away for a donation. He further stated staff will look into this issue.

Ms. Lawrence asked about a Main Street camera. Ms. Kim Dykstra said there is not one on Main Street.

Ms. Lawrence asked about the committee assignments changes. Mayor Mamula stated he would like to assign committees. The committees were assigned as follows (effective April 1): Workforce Housing (Ms. Wolfe and Mr. Dudick), Breckenridge Creative Arts (Ms.

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Lawrence), BOSAC (Mr. Bergeron), Breckenridge Heritage Alliance (Ms. Wolfe), Breckenridge Tourism Office (Ms. Gigliello), Childcare Advisory Committee (Ms. Gigliello), Grants and Scholarships (Mr. Bergeron and Mr. Burke), Breckenridge Events Committee (Ms. Lawrence), Parking and Transportation Taskforce (Ms. Wolfe and Ms. Lawrence).

Mr. Bergeron stated he thought the e-bikes discussion was good.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:05 pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor