

I) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of August 28, 2018 to order at 7:00 pm. The following members answered roll call: Ms. Lawrence, Mr. Carleton, Mr. Bergeron, Ms. Gigliello, Ms. Wolfe, Mr. Gallagher and Mayor Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – AUGUST 14, 2018

With no changes or corrections to the meeting minutes of August 14, 2018, Mayor Mamula declared they would stand approved as submitted.

III) APPROVAL OF AGENDA

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

IV) COMMUNICATIONS TO COUNCIL

A) CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

Mayor Mamula opened Citizen's Comment.

Ms. Riley Lopez stated she was speaking on behalf of the “Waste Less Summit” campaign. She further stated a goal of this campaign is to increase the diversion rate of the waste stream for restaurants. She also thanked council for the reusable bag campaign for the community and stated the Waste Less Summit Campaign is working to reduce other kinds of waste in the community, including single use plastic, straws, stirrers and other things. She stated the group would like to work with Town and local businesses to keep the community clean and reduce waste.

Ms. Beth Groundwater, a Breckenridge resident, stated she would like to propose a plastic bottle deposit and refund plan. She further stated she would like to encourage reusable metal bottles and the use of refill stations in order to send the message to stay hydrated and be sustainable. Ms. Groundwater stated bottle refunds increase recycling through a deposit and refund program, and Breckenridge leads the way as an environmental leader.

Ms. Amy Kemp, a business owner in Breckenridge, stated the CampSight innovation and marketing event will take place in Breckenridge in September. She further stated this event is intended to support the local community, and she invites Council to attend. Ms. Kemp stated Campsight is the evolution of Camp 9600, and she believes it will create a new event with an expanded focus and renewed spirit. Ms. Kemp stated presenters include MeowWolf, Carhart, Otterbox, Airstream, Outdoor Industry Association, Smartwool, and BreckCreate. She thanked the BTO for believing in this event from the start, and she thinks the community supports it and engages with it and is excited to see it continue in this form.

Mr. Scott Brockmeier, who was involved with Camp 9600, stated he will be involved with Campsight this year and he believes it's a great networking event with great ideas. Campsight will take place September 23-25 in Breckenridge.

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

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2018 - PUBLIC HEARINGS

- 1) COUNCIL BILL NO. 20, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE TOWN OF BRECKENRIDGE "BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE," CONCERNING ACCOMMODATION UNITS; REQUIRING A LOCAL AGENT FOR EACH ACCOMMODATION UNIT; IMPOSING AN ACCOMMODATION UNIT ADMINISTRATIVE FEE; MAKING CERTAIN REQUIRED FINDINGS WITH RESPECT TO SUCH FEE; AUTHORIZING INSPECTIONS OF ACCOMMODATION UNITS; AND MAKING OTHER AMENDMENTS TO THE BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE

Mayor Mamula read the title into the minutes.

Mr. Brian Waldes reviewed the ordinance from first reading and noted that the Town has incorporated feedback from the public into the second reading version of the ordinance and draft Administrative Regulations. He further stated some of the changes made between readings include renaming the local agent the “responsible agent”, adding the option for an alternate agent, tying the payment of the license fee to the issuance of the license, clarifying the meaning of “response”, and requiring advanced notice for an inspection, among other things.

Mr. Berry stated Council should refer to version of the ordinance handed out at the meeting, and noted that the Admin Regulations will not be approved tonight, but at a later time.

Ms. Wolfe asked about the responsible agent requirement in a situation where the police need to be called. Mr. Waldes stated the agent can call the police and then call the call center back to let them know it was resolved. Mr. Holman noted that the responsible agent will need to ask for an officer contact on the call to get additional information.

Mr. Waldes stated these restrictions are less restrictive than other areas, including Vail and Boulder, and Summit County’s proposed ordinance.

Mayor Mamula opened the public hearing.

Ms. Harida Duval, of 214 Marksberry Way, stated she lives in the Highlands and 6 of approximately 30 homes are full-time rentals. She further stated they are big homes that fit 2-4 families at a time, and as a regular occurrence they have 8 or more cars in the driveway, trailers, tents and more. She stated she is concerned that this ordinance places the reporting burden on the neighbors, and from her perspective this is a residential area and these homes are commercial money generators for absentee owners. She stated that unless that piece gets addressed, these problems will continue to occur and that's not why she moved here.

Ms. Rema Sinclair, of Settler's Drive next to the Breckenridge Nordic Center, stated she agrees with Ms. Duval regarding commercial investments in residential areas. She further stated she is concerned about fire burning, and would like to know how the call center information will be available. She also stated the 60 minute response time is maybe too long when cars are blocking her driveway and her daughter needs to go to school.

Mr. Doug Burn, of 83 Forest Circle, stated a recent concert at the Recreation Center was loud, and he called Police Dispatch, but did not receive a call back so he went to venue and the police department was measuring the decibels of the noise. He further stated there's no ordinance that controls the decibels of live concerts, and when he asked the Rec Center about it they told him to go to Summit Foundation, who told him to go to the BCA. He further stated government is a shot-gun approach, and it can't make him care for his neighborhood. Mr. Burn stated he would like to hold the individuals accountable with the existing laws.

Mr. Jim Bradley, a Breckenridge resident, stated he still has to deal with the occupancy issues in the rental homes near him, and the County has come up with a calculation to count people in bedrooms. He further stated that over-occupancy creates a lot of problems, and the County is also restricting number of cars, and we could limit the number of cars as well. Mr. Bradley stated Scottsdale prohibits all short-term rentals.

Mr. Isaac Roy, a new resident to Breckenridge, stated he wants to live and die in Breckenridge, and would like to see lenient and reasonable restrictions for short term rentals.

Mr. Johnathon Smith, of Nashville, Tennessee, who also owns a unit at 505 South Main Street, stated he owns many properties all over the country and his phone is always on, and he can fly in to resolve issues. Mr. Smith was concerned about the 60 minute response time. He also noted that in Nashville, 70% of VRBOs are illegal and

if you get caught, you get penalized. He also stated that from an investor perspective, he wants his properties to be great and get good reviews and he is a responsible owner.

Ms. Anne Kerr, who owns a condo at the Lift, asked if she has a property management company that handles rentals, does that count for a local agent. Council responded yes.

Mr. David Wilcox, speaking on behalf of the Breckenridge Lodging Association, stated the Association appreciates the Town's efforts and what is in this ordinance is what they are already doing. He further stated he thinks it's important that Council knows how supportive the Association is of this ordinance, and that the lodging companies exist to help make sure the community character stays the same. Mr. Wilcox also added that the BLA gives back to the community, and the employees live where they work and care for the community.

Mr. Dan Corwin, a Breckenridge resident and realtor, stated he believes this needs to be done, as the Town will continue to see more Air BNBs and VRBOs and there are a lot of absentee owners. He further stated this ordinance is for the owners that aren't doing well, and if you buy here you should know the regulations and make sure you don't offend your neighbors. He also stated it would be difficult to limit people and cars, but there is a responsibility to be a good neighbor.

Mr. Phil Mervis, a realtor, asked if the responsible agent has direct contact with the call center, and is it locally based. Council stated the call center will call the agent when an issue is reported, and we have not chosen a call center yet to know where it will be located.

Mr. Mike Hessel, representing Peak Property Management, stated he agrees with the letter from Mr. Wilcox, and clarified that HOAs won't be the responsible agent for homeowners. He then thanked Council for this ordinance.

There were no comments and the public hearing was closed.

Mr. Carleton stated this is a good ordinance and we responded to public comments from the first reading. He further stated he thinks this is the big picture and we can tweak the administrative regulations as we go. Mr. Carleton added he hopes this will work as a preventative measure, and it will motivate bad homeowners to screen their tenants more thoroughly.

Mr. Gallagher stated he supports this ordinance because we have consciously stayed away from violating private property rights, since that's not government's role. He further stated this ordinance is meant to respect the rights of the neighbors and the community. He added that most laws are passed for the 1-2 percent, accountability needs to happen for those owners, and this is the right thing to do for the community.

Ms. Lawrence stated the second you decide to rent your property, you become a small business owner, and this ordinance isn't onerous for the people who are good property owners. She further stated we owe it to guests and residents to provide a good experience.

Mr. Bergeron stated he doesn't believe this will be a huge issue and it gives someone a mechanism to deal with neighborhood problems.

Ms. Gigliello stated there are lots of ways to reach out to neighbors about your renters, and to screen renters. She stated she appreciates that this is a softer approach for some, and maybe too much for others, and she hopes you have heard both sides tonight.

Ms. Wolfe stated the accountability will go to the owner of the property, and education must be done with renters, and as long as the renters are respectful, we can get along.

Mayor Mamula stated we are a short-term rental community, and the majority of people who come here stay in these kinds of units. He stated that up until recently,

property management companies have managed these units, and now anyone can rent their homes and have zero contact with their guests. Mayor Mamula stated the Town has talked about this for a very long time, he has picked up more trash than he should as a homeowner, and it's not his job to fix problems with a commercial business. He stated he should be able to call one number to report problems, and the police can take a step if needed. Mayor Mamula also stated that the Town is not taking money from property management companies for this, as some have accused. He stated this is a good first step and thanks to everyone who came out to this meeting and last meeting and offered feedback.

Mr. Bergeron moved to approve COUNCIL BILL NO. 20, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE TOWN OF BRECKENRIDGE "BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE," CONCERNING ACCOMMODATION UNITS; REQUIRING A LOCAL AGENT FOR EACH ACCOMMODATION UNIT; IMPOSING AN ACCOMMODATION UNIT ADMINISTRATIVE FEE; MAKING CERTAIN REQUIRED FINDINGS WITH RESPECT TO SUCH FEE; AUTHORIZING INSPECTIONS OF ACCOMMODATION UNITS; AND MAKING OTHER AMENDMENTS TO THE BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE. Ms. Gigliello seconded the motion.

The motion passed 7-0.

VI) NEW BUSINESS

A) FIRST READING OF COUNCIL BILLS, SERIES 2018

- 1) COUNCIL BILL NO. 21, SERIES 2018 - AN ORDINANCE APPROVING A LEASE WITH CHRISTIE HEIGHTS PARTNERSHIP, A CALIFORNIA GENERAL PARTNERSHIP, AND CUCUMBER CREEK ASSOCIATES, LLC, A COLORADO LIMITED LIABILITY COMPANY

Mayor Mamula read the title into the minutes.

Mr. Berry stated this new lease is required to replace an old lease that was terminated, and staff recommends approval of this ordinance.

Mr. Bergeron moved to approve COUNCIL BILL NO. 21, SERIES 2018 - AN ORDINANCE APPROVING A LEASE WITH CHRISTIE HEIGHTS PARTNERSHIP, A CALIFORNIA GENERAL PARTNERSHIP, AND CUCUMBER CREEK ASSOCIATES, LLC, A COLORADO LIMITED LIABILITY COMPANY. Mr. Gallagher seconded the motion.

The motion passed 7-0.

- 2) COUNCIL BILL NO. 22, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL OFFENSE OF OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER BY USE OF AN UNMANNED AIRCRAFT SYSTEM (UAS)

Mayor Mamula read the title into the minutes.

Ms. Haynes stated this ordinance would amend the current drones ordinance, and our language will now match the State's language in regard to the operation of drones.

Mr. Bergeron moved to approve COUNCIL BILL NO. 22, SERIES 2018 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL OFFENSE OF OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER BY USE OF AN UNMANNED AIRCRAFT SYSTEM (UAS). Ms. Lawrence seconded the motion.

The motion passed 7-0.

B) RESOLUTIONS, SERIES 2018

- 1) RESOLUTION NO. 15, SERIES 2018 - RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DENSITY SUNSET COVENANT (For the Denison Placer Apartments Housing Project)

Mayor Mamula read the title into the minutes.

Mr. Berry stated this resolution would approve a density sunset covenant for the Denison Placer Apartments.

Mayor Mamula opened the public hearing.

There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve RESOLUTION NO. 15, SERIES 2018 - RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DENSITY SUNSET COVENANT (For the Denison Placer Apartments Housing Project). Mr. Gigliello seconded the motion.

The motion passed 7-0.

- C) OTHER

VII) PLANNING MATTERS

- A) PLANNING COMMISSION DECISIONS

Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

VIII) REPORT OF TOWN MANAGER AND STAFF

Mr. Holman reminded Council of a recent open records request, for which their attention was necessary. He also reminded Council of Happy Hour with the Mayor taking place at the Golf Course this week, and to let Ms. Rogers know if they can attend the upcoming Hearthstone Wine Dinner.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

CAST/MMC

Mayor Mamula and Mr. Holman attended the recent CAST meeting in Crested Butte, where Town leaders wanted to know about Breckenridge's relationship with Vail Resorts. Mayor Mamula stated the city has some concerns about what the new ownership will do for the community, but understands there will be positive outcomes as well. He expressed that there was also a conversation in which many mountain towns stated they are tired of being so busy, and some reported they are cutting back on events. Mayor Mamula stated Breckenridge was profiled in a state transportation report, and recommended a field trip to Park City to see their progress on a lot of these same issues.

Breckenridge Open Space Advisory Committee

Mr. Bergeron stated there is one more Friends of Breck Trails event, and COSAC talked about forest health work, the BIFA Trail Mix Series and the Troll. He further stated the Troll was well-received but offered some challenges with parking, congestion and signage. Mr. Bergeron stated a portion of the Spartan Race was on Town Trails but it wasn't noticeable impact. Also, construction on River Park continues. Mr. Bergeron stated BOSAC will take a field trip to Steamboat in September, and the Forest Service is looking to formalize some trails in the Golden Horseshoe as non-motorized routes.

Breckenridge Tourism Office

Ms. Wolfe stated the destination management plan is starting work tomorrow, Council will be involved in different parts of the plan, and there will be representation from all groups.

Breckenridge Heritage Alliance

Ms. Gigliello stated the BHA held the last meeting at the Vista House, including a tour of Epic Discovery. She further stated they are looking at adding two more board members, creating a process for new historic headstones at the cemetery, planning for Milne Park, and planning for the Reiling Dredge renovation.

Breckenridge Creative Arts

Ms. Lawrence stated they are looking at the RFP for the organization of the BCA with partner entities, and will be interviewing three RFP finalists soon. She further stated there were many positive survey responses for BIFA, including comments about the need for additional signage and information, and in the future the BCA will look closely at events that take place on trails and in the Town. She also stated there are new board members.

Breckenridge Events Committee

Ms. Gigliello stated there was an update in the packet.

X) OTHER MATTERS

Mr. Bergeron asked about adding a trash receptacle next to Mountain Outfitters, stating there is a need there with high traffic and with lots of smokers. Mr. Holman stated staff will look into this more.

Mayor Mamula stated he would like to see more garbage cans at the bus stops, and more through Town.

Mayor Mamula asked Council if they have any interest in a Peak 7 annexation. Mr. Holman stated staff believes the residents in that area just want the roads paved, and the investment will outweigh the ROI. Council was curious if the neighbors were interested in this idea and if they wanted it to happen? Mr. Holman stated he has not heard that Peak 7 residents generally want to be annexed.

Mayor Mamula stated that regarding the troll, there was a communication breakdown between BCA and the Town, including signage and parking. He further stated this was the most successful BIFA, and next year we can't allow this event to impact the neighborhoods in the same way. He also expressed concern that people are not staying on the trails during these events, and the amount of people on the trails was large. Ms. Lawrence stated the BCA board's role has been to manage finances, and the program itself is created by staff. Mayor Mamula asked to reach out to the BCA for a comprehensive plan and a basic fact sheet for Town staff to use for future events. Ms. Gigliello asked if BIFA was permitted on the trails, and Ms. Haynes stated Open Space and Trails staff approved it. Mr. Bergeron stated BOSAC was open to the events and installations. Mr. Carleton stated this festival has become so popular that we need a good plan to manage it. Mr. Bergeron stated the Wellington Trail (where the Troll is located) is a perfect trail for families and beginners. Mr. Holman stated the Town funds this event, and we should approve what is happening on our trails. He further stated we will communicate this change to the BCA.

Ms. Wolfe stated the lack of slash pick-up continues to be an issue, and she is worried it won't be picked up a second time. She also stated she has not heard from the county about it and would like to know if the second round is going to happen.

Mr. Carleton stated he received a concern about where the bike path crosses the road on Coyne Valley, and is worried it's a safety concern due to vehicle speeds and possibly lack of signage. Mr. Holman stated staff will look into it.

XI) SCHEDULED MEETINGS

A) SCHEDULED MEETINGS FOR AUGUST AND SEPTEMBER

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:00 pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor