

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
VIRTUAL MEETING
Tuesday, May 26, 2020
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I) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of May 26, 2020 to order at 7:00pm. The following members answered roll call: Mr. Bergeron, Ms. Gigliello, Ms. Owens, Mr. Gallagher, Mr. Carleton, Mr. Kuhn and Mayor Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – MAY 12, 2020

With no changes or corrections to the meeting minutes of May 12, 2020, Mayor Mamula declared they would stand approved as presented.

III) APPROVAL OF AGENDA

Mr. Holman stated there was one change to the agenda, which was to remove the first reading of Council Bill No. 23, Series 2020, and add as an Emergency Ordinance Council Bill No. 24, Series 2020, the purpose of which is to enact a temporary moratorium on any new permits for amenity clubs. Mayor Mamula declared the agenda approved as amended.

IV) COMMUNICATIONS TO COUNCIL

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

Mayor Mamula opened Citizen's Comment. Citizens were encouraged to email their comments in advance of the meeting.

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

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2020 - PUBLIC HEARINGS

1) COUNCIL BILL NO. 10, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE DEVELOPMENT CODE," BY AMENDING POLICY 24

Mayor Mamula read the title into the minutes. Ms. Nichole Rex stated this policy is intended to increase the amount of employee housing in the community and asks that Council approve this ordinance and remove section 13 regarding density, as discussed in the work session, and adjust the other numbers accordingly. All other changes from first reading are noted in the memo in the packet.

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

Mr. Gallagher moved to approve COUNCIL BILL NO. 10, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE DEVELOPMENT CODE," BY AMENDING POLICY 24. Mr. Carleton seconded the motion.

The motion passed 7-0.

1) COUNCIL BILL NO. 17, SERIES 2020 - AN ORDINANCE AMENDING SECTION 12-4-23 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE WATER SYSTEM MAINTENANCE FEE

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

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 17, SERIES 2020 - AN ORDINANCE AMENDING SECTION 12-4-23 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE WATER SYSTEM MAINTENANCE FEE. Mr. Gallagher seconded the motion.

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The motion passed 7-0.

- 2) COUNCIL BILL NO. 18, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING OVERHEAD WALKWAY LIGHTING

Mayor Mamula read the title into the minutes. Ms. Julia Puester stated changes from the first reading (and the work session) are detailed in the memo and include removing the requirement for Class D permits and adding wording for safe pedestrian traffic. In addition, this lighting type will be restricted to public property only, and not allowed on private walkways.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 18, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING OVERHEAD WALKWAY LIGHTING. Mr. Gallagher seconded the motion.

The motion passed 7-0.

- 3) COUNCIL BILL NO. 19, SERIES 2020 - AN ORDINANCE CONCERNING THE PENALTY FOR VIOLATING CHAPTER 8 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING NOISE

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

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 19, SERIES 2020 - AN ORDINANCE CONCERNING THE PENALTY FOR VIOLATING CHAPTER 8 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING NOISE. Mr. Kuhn seconded the motion.

The motion passed 7-0.

- 4) COUNCIL BILL NO. 20, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN PROJECTS

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

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 20, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN PROJECTS. Mr. Carleton seconded the motion.

The motion passed 7-0.

VI) NEW BUSINESS

A) FIRST READING OF COUNCIL BILLS, SERIES 2020

- 1) COUNCIL BILL NO. 21, SERIES 2020 - AN ORDINANCE AUTHORIZING THE FINANCING OF THE CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AND THE REFINANCING OF CERTAIN OUTSTANDING OBLIGATIONS OF THE TOWN; AUTHORIZING THE EXECUTION AND DELIVERY OF AMENDMENTS TO A SITE LEASE AND LEASE PURCHASE AGREEMENT AND APPROVAL OF CERTAIN OTHER DOCUMENTS AND MATTERS RELATED THERETO; AUTHORIZING OFFICIALS OF THE TOWN TO TAKE ACTION NECESSARY THERETO; AND DECLARING AN EMERGENCY

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Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would authorize the town to issue Certificates of Participation for the purposes of paying for part of the cost of the broadband project, paying for construction of the parking garage and paying off and refinancing the balance of the Town's 2007 COPs.

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

Mr. Bergeron moved to approve emergency ordinance COUNCIL BILL NO. 21, SERIES 2020 - AN ORDINANCE AUTHORIZING THE FINANCING OF THE CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS AND THE REFINANCING OF CERTAIN OUTSTANDING OBLIGATIONS OF THE TOWN; AUTHORIZING THE EXECUTION AND DELIVERY OF AMENDMENTS TO A SITE LEASE AND LEASE PURCHASE AGREEMENT AND APPROVAL OF CERTAIN OTHER DOCUMENTS AND MATTERS RELATED THERETO; AUTHORIZING OFFICIALS OF THE TOWN TO TAKE ACTION NECESSARY THERETO; AND DECLARING AN EMERGENCY. Mr. Gallagher seconded the motion.

The motion passed 7-0.

- 2) COUNCIL BILL NO. 22, SERIES 2020 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33 (RELATIVE) OF SECTION 9-1-19 OF THE "BRECKENRIDGE DEVELOPMENT CODE" CONCERNING ENERGY CONSERVATION

Mayor Mamula read the title into the minutes. Ms. Mark Truckey stated this ordinance would amend the development code policy 33R to be consistent with the current building code, and it addresses positive points for energy efficient solutions.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 22, SERIES 2020 - AN ORDINANCE REPEALING AND READOPTING WITH CHANGES POLICY 33 (RELATIVE) OF SECTION 9-1-19 OF THE "BRECKENRIDGE DEVELOPMENT CODE" CONCERNING ENERGY CONSERVATION. Mr. Kuhn seconded the motion.

The motion passed 7-0.

- 3) COUNCIL BILL NO. 23, SERIES 2020 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE," CONCERNING AMENITY CLUBS

Mayor Mamula stated this ordinance was PULLED.

- 4) COUNCIL BILL NO. 24, SERIES 2020 - AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR NEW PERMITS TO DEVELOP REAL PROPERTY IN THE TOWN THAT PROPOSE THE DEVELOPMENT OF AN AMENITY CLUB; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE

Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance would impose a 6-month moratorium for any applications to be received or approved by Planning Commission for amenity clubs. He further stated this ordinance was the result of the conversation at work session regarding amenity clubs and staff will return to Council with a recommendation at that time. Mr. Berry stated this is an emergency ordinance and will become effective immediately.

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

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Mr. Bergeron moved to approve emergency ordinance COUNCIL BILL NO. 24, SERIES 2020 - AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS FOR NEW PERMITS TO DEVELOP REAL PROPERTY IN THE TOWN THAT PROPOSE THE DEVELOPMENT OF AN AMENITY CLUB; DECLARING AN EMERGENCY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE. Mr. Gallagher seconded the motion.

The motion passed 7-0.

B) RESOLUTIONS, SERIES 2020

3) RESOLUTION NO. 14, SERIES 2020 - A RESOLUTION CONCERNING THE TEMPORARY CLOSURE OF PORTIONS OF NORTH MAIN STREET AND SOUTH MAIN STREET

Mayor Mamula read the title into the record.

Mayor Mamula then asked to be recused from voting on this item due to his business located on Main Street. Council agreed that he should be recused due to potential conflict of interest.

Mayor Pro Tem Bergeron opened the public hearing.

Ms. Maureen Nichols, a Breckenridge resident, stated her block on Ridge Street is very crowded, and she is concerned about people who might want to drive and park on Ridge Street further making it busy. She also stated people might prefer to drive through town and look at things, and she is concerned people might not see Main Street and will instead take Park Avenue and Highway 9.

Mr. Carol Rockne stated she was concerned about taking away property rights on Main Street without compensation.

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

Ms. Gigliello stated that during normal times we wouldn't close Main Street but now it will be to allow for temporary dining outside during the pandemic.

Mayor Pro Tem Bergeron stated he thinks this is a special time and if we don't try to close it now, who knows when would we do this.

Mr. Carleton moved to approve RESOLUTION NO. 14, SERIES 2020 - A RESOLUTION CONCERNING THE TEMPORARY CLOSURE OF PORTIONS OF NORTH MAIN STREET AND SOUTH MAIN STREET. Mr. Kuhn seconded the motion.

The motion passed 6-0.

C) OTHER

VII) PLANNING MATTERS

A) PLANNING COMMISSION DECISIONS

Planning Commission Decisions were approved as presented.

VIII) REPORT OF TOWN MANAGER AND STAFF

Mr. Holman stated there were no updates

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

A. CAST/MMC

Mayor Mamula stated there was no update.

B. Breckenridge Open Space Advisory Committee

Ms. Gigliello stated the B&B trailhead parking lot has been expanded, Friends of Breck Trails will adapt for COVID requirements, and BOSAC voted to remove the Fairy Forest and not move it to anywhere else in Breckenridge. She also stated they reviewed a comprehensive Cucumber Gulch report.

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- C. Breckenridge Tourism Office
There was no update.
- D. Breckenridge Heritage Alliance
Mr. Kuhn congratulated the BHA for conducting a nice, virtual Memorial Day ceremony.
- E. Breckenridge Creative Arts
There was no update.
- F. Breckenridge Events Committee
There was no update.

X) OTHER MATTERS

Mr. Carleton stated people have thanked the Town, staff, Public Works and Police Department for their help during the Senior Parade last week. He further stated it was a big success and it was very much appreciated by the kids and families.

Mr. Bergeron asked if the Town could place signage at parking areas for trailheads that talk about social distancing. Ms. Gigliello stated she will take that request to BOSAC.

Mayor Mamula asked if the Bikeful Tower could be a permanent exhibit, and Mr. Gallagher suggested working with the Public Arts Commission to install it somewhere in Town, perhaps in the B&B Parking Lot.

Mr. Holman stated Council should start to look at in-person meetings beginning in July, and for now virtual meetings are working for us. Council members stated they would like to continue to have this kind of public engagement when we shift to in-person meetings. Mayor Mamula and Mr. Holman agreed we should continue to use Zoom to make meetings more efficient.

XI) SCHEDULED MEETINGS

- A) SCHEDULED MEETINGS FOR JUNE AND JULY

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:48pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

_____/s/_____
Helen Cospolich, CMC, Town Clerk

_____/s/_____
Eric S. Mamula, Mayor