

I) CALL TO ORDER, ROLL CALL

Mayor Mamula called the meeting of August 23, 2022 to order at 7:00pm. The following members answered roll call: Mr. Bergeron, Mr. Rankin, Ms. Saade, Mr. Carleton, Ms. Owens, Mr. Beckerman and Mayor Mamula.

II) APPROVAL OF MINUTES

A) TOWN COUNCIL MINUTES – AUGUST 9, 2022

With no changes or corrections to the meeting minutes of August 9, 2022 Mayor Mamula declared they would stand approved as presented.

III) APPROVAL OF AGENDA

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

IV) COMMUNICATIONS TO COUNCIL

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

Mayor Mamula opened Public Comment.

Ms. Terrie Warren, a resident of Breckenridge and current president of Summit County Alpine Garden Club, stated the club maintains the Town Garden. She further stated that over the past two years the garden has gotten overgrown. She thanked town staff, including Kyle, Aaron, Leah, Jamie, Steve and Scott Jackman for their diligence and professionalism in helping to restore the garden. She further stated the new berm in the garden is in partnership with High Country Conservation, and she thanked Council for its support.

There were no additional public comments and Public Comment was closed.

V) CONTINUED BUSINESS

A) SECOND READING OF COUNCIL BILLS, SERIES 2022 - PUBLIC HEARINGS

1) COUNCIL BILL NO. 26, SERIES 2022 - AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO ENERGY EFFICIENCY OF RESIDENTIAL CONSTRUCTION AND REPEALING OUTDATED PROVISIONS

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

Mayor Mamula opened the public hearing.

Mr. Matt Wright, a resident of Frisco and owner of Deeper Green Consulting, thanked Mr. Truckey and Mr. Rick Fout for working with him on some suggestions for this bill. He further stated that while he agrees there is a need for change, he believes the County's process with multiple pathways was rushed and he urges Council to take longer with the process to find a solution.

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

Mr. Bergeron asked Mr. Truckey if we are on the right path with this ordinance and he stated he feels we are, and we can come back to Council in the future to tweak the bill if needed. He further stated he will follow up with Mr. Wright about his concerns.

Mr. Bergeron moved to approve COUNCIL BILL NO. 26, SERIES 2022 - AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO ENERGY EFFICIENCY OF RESIDENTIAL CONSTRUCTION AND REPEALING OUTDATED PROVISIONS. Ms. Saade seconded the motion.

The motion passed 7-0.

2) COUNCIL BILL NO. 27, SERIES 2022 - AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO BUILDING PERMIT AND INSPECTION FEES

Mayor Mamula read the title into the minutes. Mr. Mark Truckey stated this ordinance would amend the Town's Building code related to permit and inspection fees to match Summit County's fee schedule. He further stated there were no changes to this ordinance from first reading.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 27, SERIES 2022 - AN ORDINANCE AMENDING THE BUILDING CODE PERTAINING TO BUILDING PERMIT AND INSPECTION FEES. Mr. Beckerman seconded the motion.

The motion passed 7-0.

- 3) COUNCIL BILL NO. 28, SERIES 2022 - AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES

Mayor Mamula read the title into the minutes. Ms. Kirsten Crawford, Town Attorney, stated this ordinance will set the short term rental zone areas and set the limits by zone. She further stated there are several changes to this ordinance from first reading, notably an annual review process starting February 1, 2023, and a shuttle service exemption for certain properties based on proximity and sustainability. She stated this ordinance also changes the resort properties definition so resort properties cannot choose to be in a zone instead of listed as a resort property.

Mayor Mamula opened the public hearing.

Ms. Abbey Browne, a Woodwinds Property Manager and board member for SAVRM, stated some of the areas the Task Force discussed are not being considered, such as Warriors Mark. She asked Council to redraw the maps to include ski-in, ski-out properties and further stated we don't want these areas turning into ghost towns. She stated she is concerned that this map is not going to be addressed for several more months and she encouraged Council to take the time and use the Task Force members as resources.

Mr. Alan Bergstein, representing the Cucumber Creek HOA and a homeowner, stated the Cucumber Creek homes are across from Nordic Center, and he believes there is an unreasonable burden placed on homeowners in Zone 3 by not allowing homeowners to transfer licenses with sales. He further stated that he believes hotels are being treated differently.

Ms. Nina Head, of Four O'Clock Road, stated her property is a vacation rental and she speaks to tourists and she feels the zoning is unconstitutional. She further stated the Tyra Condominiums are in Zone 3 and she feels Breckenridge should be the leader for Summit County.

Ms. Julie Koster, President of SAVRM who lives in Frisco, thanked the Council for their work on this ordinance. She stated SAVRM received a grant from the national Vacation Rental Management Association which will be used for Government strategy and outreach. She also stated VRMA is hosting an event next week at Beaver Run Resort and what happens here tonight has impacts around the country.

Mr. Marc Wheeler, representing Woods Manor, stated he would advocate for Woods Manor to be placed in Zone 1 instead of Zone 3. He further stated he knows the Task Force recommended this property be placed in Zone 1 and Woods Manor fits the definition of Resort Property.

Mr. Tim Paynter, of River Mountain Lodge, stated he is concerned about hard caps in the Resort Zone. He also stated he came here when RML had a shuttle bus, but nobody used it so guests can rely on Town bus service instead. Mr. Paynter stated there is a no better way for a second homeowner to meet people than to sit on the bus. He also stated he owns a studio loft, and he's restricted to four people in his unit. He encouraged Council to table this issue and go back to the drawing board.

Mr. Dan Corwin, of 315 Corkscrew Drive, stated he hasn't been to these meetings in person because he supports and agrees with STR restrictions. He stated we are a silent

majority and want to see these regulations put in place, and during the most recent election the candidates in favor of the STR regulations won by a landslide. He further stated not all realtors support Summit Association of Realtors and SAVRM sent out a petition titled "Don't Wreck Breck" which doesn't make sense. Nothing will be different than today, the reduction of licenses will just take us back to pre-pandemic. Please support our Mayor and Town Council. Keep Breckenridge a great place.

Mr. David Wilcox, of Summit Mountain Rentals, read a letter from a homeowner in White Wolf. The letter asked the committee to vote against the zones and stated the proposals don't take into account the economic impact of this ordinance on the community. The letter also stated higher prices will result in less demand, and some visitors will be looking elsewhere because visitors want to stay close to the ski resort and amenities.

Mr. Dan Cleary, who owns a condo on Val d'Iserre, thanked Council and staff for going through this process, and stated he wants to echo Dan Corwin's comments and supports the Council's direction. He further stated he supports the efforts of staff and Council and generally supports the zones, and it's a legislative process to modify so there is the opportunity to change it in the future. Mr. Cleary asked Council to consider local property owners who have been long-term renting, and to incentivize locals in Zone 3.

Ms. Jan Radosevich, a local resident, stated she is concerned that nobody has addressed the issue that the permits have value. She stated she used to be #1 on the general waiting list, and now she is in Zone 3 and still #1 on the wait list, but this zone may not see permits in 20 years. She stated she won't be around in 20 years so she will give her unit to her daughter and she would like to have her license exempted.

Ms. Kim Stevenson, a Summit County resident, stated she believes the STR restrictions have impacted property values and caused them to decline. She further stated the Town has reduced the buyer pool with restrictions and the shuttle provision is unachievable.

Ms. Kelly Hepburn, a Summit County resident and president of her HOA, stated the population is over 5,000, we used to market the off-season times and we are still building housing. She stated she doesn't think this ordinance is ready yet and families want to rent homes in neighborhoods. She urged Council to take more time and study more data before passing this ordinance.

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

Mr. Bergeron stated this has been a long, ongoing process and he knows this ordinance isn't perfect. He stated this situation will be fluid, and Breckenridge has the second highest STRs per capita in the country. He further stated he knows this ordinance won't solve everything, but he believes it will change the complexion of the community, for the good of the community. He further stated you can continue to hold a license if you already have one, and he thinks this is the best solution for the community at the moment, especially since we don't have enough workers to service the visitors and it's diminishing the product.

Ms. Saade stated she agreed with the changes in the ordinance, and spoke specifically to each change, including the annual review process. She stated the cap has been passed, this is the next step and it makes the ordinance stronger for our community. She stated these zones don't impact tourism, and licenses will open up immediately. Ms. Saade stated she will support this ordinance.

Mr. Beckerman thanked staff and stated we are adhering to the free market economy in the Zone 1 and Resort Property districts. He further stated having those zones is a win, as well as having a process in place to review this ordinance annually. He stated everyone who has a rental license can continue to rent, and Woods Manor is not in Zone 1. Mr. Beckerman stated this decrease in units will take a long time, and he believes it is time to move forward and pass the ordinance in this form.

Mr. Rankin stated he is excited about Zone 1 opening up with additional licenses, and stated we need to be mindful of the percentage of overnight guests. He further stated we need to make sure we retain our competitive advantage with those guests and feels we

need to define goals and have metrics, and we need to increase the number of local employees in the Upper Blue Basin. Mr. Rankin stated he will support this ordinance.

Mr. Carleton stated this conversation started 5-6 years ago, and Council has been working on it for just over 2 years. He further stated this solution isn't perfect but we need to bring some certainty to the market. He thanked Ms. Browne for helping with the overlay districts as part of the committee, and also stated we used the majority of the recommendations from the committee. Mr. Carleton stated there is a lot of compromise, and staff has worked hard on this ordinance. He stated he is in support of this ordinance and expects it to evolve over time. He also stated he appreciates the comments tonight and would like to see the conversations continue.

Ms. Owens stated she agrees with most of what has been said by the other Council members, and the exiting STRs today consist of 4,116 licenses. She further stated there is a lot of conversation about how enormous the change is, and we believe there are still properties to accommodate all types of visitors in our town. She stated she is glad we put the ordinance in place and she wants to make sure we aren't losing sight of the data.

Mayor Mamula thanked staff and Council, and noted that he was happy with the 2200 cap, but he thinks the community wanted to see something like this. He stated there will be an additional 300 licenses immediately available to properties in Zone 1 and Zone 2 will open up soon as well, since there's an opportunity for some changes in the future. He further stated that the point is to have something available immediately for some of the Zones, and he also agrees with the shuttle service changes. He also clarified that his own property is in Zone 3, and he rents his other properties to long-term renters.

Mr. Bergeron moved to approve COUNCIL BILL NO. 28, SERIES 2022 - AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES. Ms. Owens seconded the motion.

The motion passed 7-0.

- 4) COUNCIL BILL NO. 29, SERIES 2022 – AN ORDINANCE REORGANIZING TITLE 4, CHAPTER 1 REPEALING REGULATIONS OF ACCOMMODATION UNITS AND REPLACING THOSE PROVISIONS IN A COMPANION BILL ENTITLED "AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES"

Mayor Mamula read the title into the minutes. Ms. Crawford stated this ordinance is a companion bill to Council Bill No. 28 that cleans up other related areas of the code, but has no policy changes. She further stated there are 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. 29, SERIES 2022 – AN ORDINANCE REORGANIZING TITLE 4, CHAPTER 1 REPEALING REGULATIONS OF ACCOMMODATION UNITS AND REPLACING THOSE PROVISIONS IN A COMPANION BILL ENTITLED "AN ORDINANCE AMENDING THE ACCOMMODATION UNIT LICENSE REGULATIONS TO ESTABLISH MAPPED AREAS BASED ON THE UNDERLYING LAND USE CHARACTERISTICS OF THE TOWN AND IN CONNECTION THEREWITH SETTING LIMITS ON THE CONCENTRATION OF LICENSES BY MAPPED AREA AND ESTABLISHING FINES". Ms. Saade seconded the motion.

The motion passed 7-0.

VI) NEW BUSINESS

- A) FIRST READING OF COUNCIL BILLS, SERIES 2022
- 1) COUNCIL BILL NO. 30, SERIES 2022 - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE FUND, APPROVING A LOAN FROM THE COLORADO WATER CONSERVATION BOARD; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN CONTRACT, PROMISSORY NOTE TO EVIDENCE SUCH LOAN, AND SECURITY AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH

Mayor Mamula read the title into the minutes. Mr. James Phelps stated this ordinance will approve the acceptance of a loan from the Colorado Water Conservation Board and the terms of the loan, for the purpose of the Goose Pasture Tarn Dam Project.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 30, SERIES 2022 - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE FUND, APPROVING A LOAN FROM THE COLORADO WATER CONSERVATION BOARD; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN CONTRACT, PROMISSORY NOTE TO EVIDENCE SUCH LOAN, AND SECURITY AGREEMENT IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH. Mr. Beckerman seconded the motion.

The motion passed 7-0.

- B) RESOLUTIONS, SERIES 2022
- C) OTHER
- 1) SHORT TERM RENTAL BEDROOM COUNT DE NOVO HEARING WRITTEN DECISION

Ms. Kirsten Crawford stated this written decision notice is required as part of the De Novo Hearing process. She presented Council with copies of the decision documents. Council voted unanimously to approve these documents as presented. The hearing minutes will come before Council at the first regular meeting in September.

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

The reports of Town Manager and Staff were covered in the afternoon work session.

IX) REPORT OF MAYOR AND COUNCIL MEMBERS

The reports of Mayor and Council Members were covered in 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

Other matters were covered in the afternoon work session. Additionally, Mayor Mamula stated the new trail off Gold Run Road needs a new name, so it isn't another Chantilly Trail.

XI) SCHEDULED MEETINGS

A) SCHEDULED MEETINGS FOR AUGUST, SEPTEMBER AND OCTOBER

XII) ADJOURNMENT

With no further business to discuss, the meeting adjourned at 8:28pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

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

_____/s/_____
Eric S. Mamula, Mayor