



**TOWN OF  
BRECKENRIDGE**

**Town Council Work Session**  
Tuesday, July 24, 2018, 3:00 PM  
Council Chambers  
150 Ski Hill Road  
Breckenridge, Colorado

Estimated times: The times indicated are intended only as a guide. They are at the discretion of the Mayor, depending on the length of the discussion, and are subject to change.

**I. PLANNING COMMISSION DECISIONS (3:00-3:05 pm)**

Planning Commission Decisions

**II. LEGISLATIVE REVIEW (3:05-3:25 pm)**

2017 National Electrical Code Adoption (Second Reading)

Conveyance of Town Property - Tract D, Stan Miller Subdivision (First Reading)

Amendment to Annexation Agreement for Lincoln Park Resolution

**III. MANAGERS REPORT (3:25-3:45 pm)**

Public Projects Update

Parking and Transportation Update

Housing and Childcare Update

Committee Reports

Financials

**IV. OTHER (3:45-4:45 pm)**

Short Term Rental Ordinance Discussion

Breckenridge Events Committee - Advisory Discussion

**V. PLANNING MATTERS (4:45-5:15 pm)**

Planning Commission Administrative Rules Update

Breckenridge Transit Bus Storage (Town Project)

**VI. EXECUTIVE SESSION - NEGOTIATIONS (5:15 pm)**



# Memo

To: Breckenridge Town Council Members  
From: Peter Grosshuesch, Director of Community Development  
Date: July 18, 2018  
Subject: Planning Commission Decisions of the July 17, 2018 Meeting

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## ***DECISIONS FROM THE PLANNING COMMISSION MEETING, JULY 17, 2018:***

### **CLASS A APPLICATIONS:**

None.

### **CLASS B APPLICATIONS:**

None.

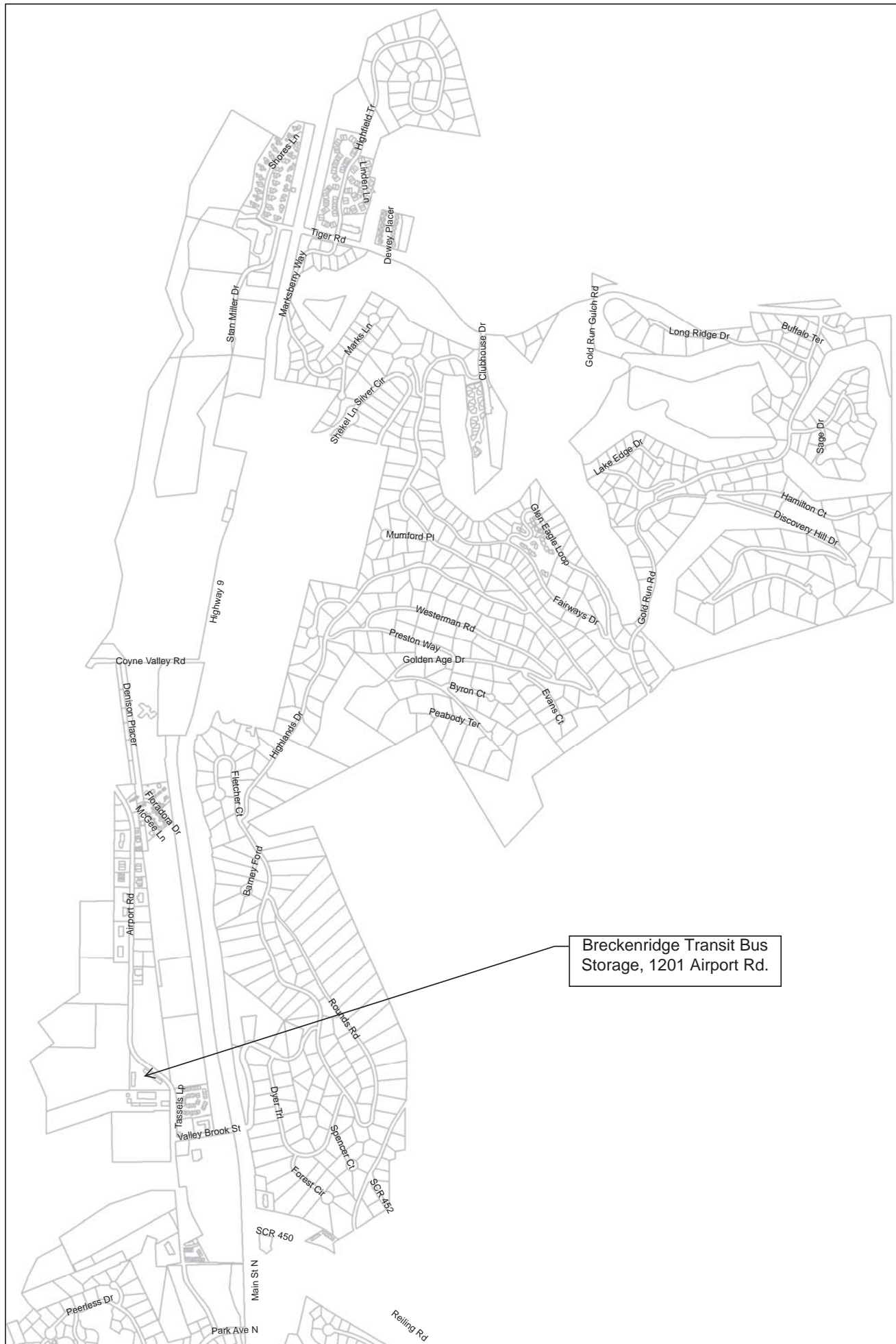
### **CLASS C APPLICATIONS:**

1. Ernst Addition, Remodel and Driveway Variance, PL-2018-0103, 73 Red Feather Rd.  
A proposal to construct a 1,532 sq. ft. addition to an existing 2,332 sq. ft. single family residence, for a total of 5 bedrooms and 4 bathrooms, and a FAR of 1:2.48. *Approved.*
2. Cove Residence, PL-2018-0272, 107 Victory Lane  
A proposal to build a new 4,335 sq. ft. single family residence with 3 bedrooms, 4.5 bathrooms, and a FAR of 1:0.24. *Approved.*

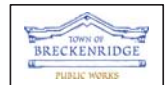
### **TOWN PROJECT HEARINGS:**

1. Breckenridge Transit Bus Storage, PL-2018-0211, 1201 Airport Rd.  
A proposal to build a 5,000 sq. ft. structure with six bay bus storage and additional equipment storage. *Approved.*

**OTHER: None.**

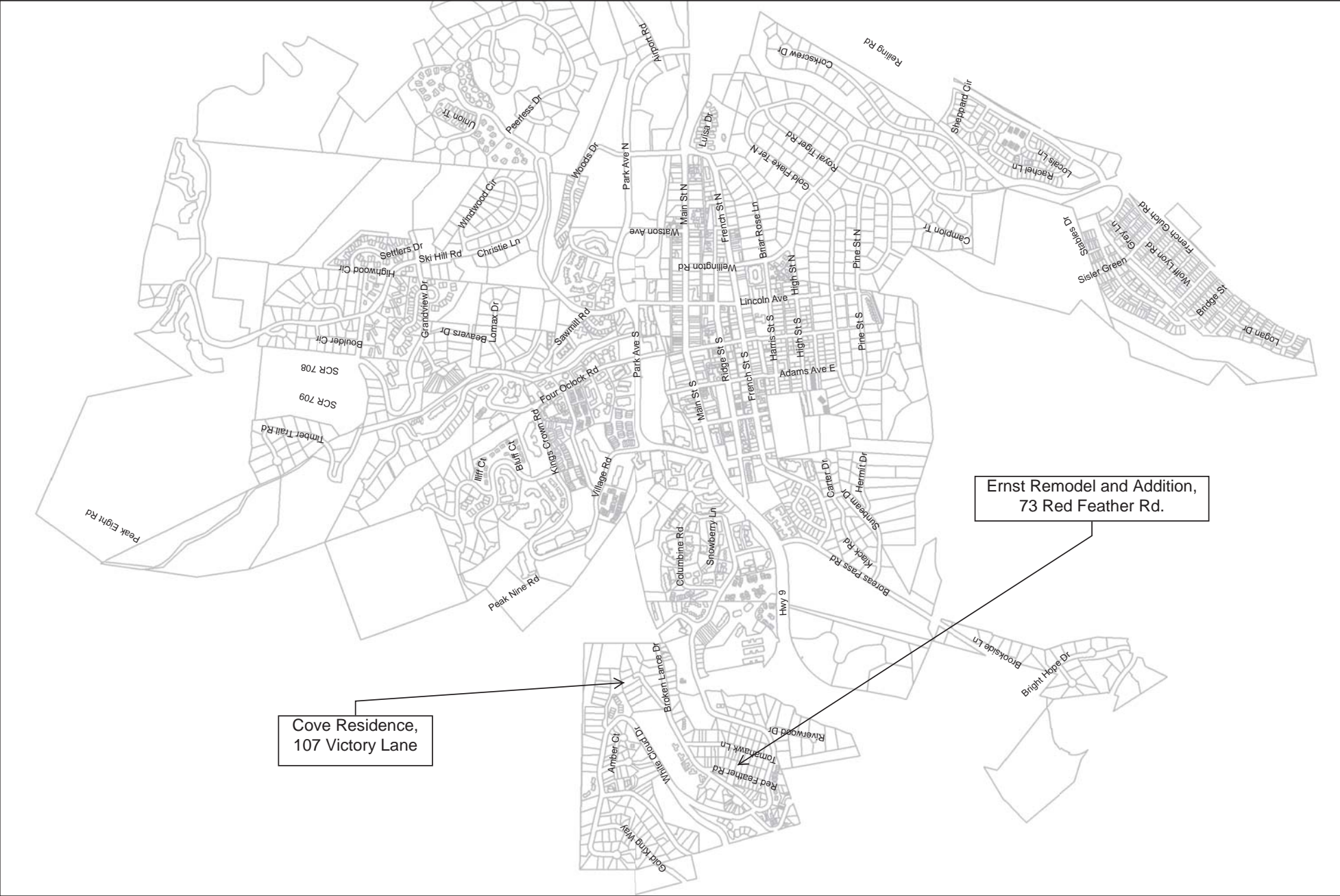


Breckenridge Transit Bus Storage, 1201 Airport Rd.



Breckenridge North





Cove Residence,  
107 Victory Lane

Ernst Remodel and Addition,  
73 Red Feather Rd.



NOT TO SCALE

**Breckenridge South**



## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Mathews-Leidal.

### ROLL CALL

Christie Mathews-Leidal  
Mike Giller  
Dan Schroder

Jim Lamb  
Steve Gerard  
Gretchen Dudney

Ron Schuman

### APPROVAL OF MINUTES

With the changes below, the July 3, 2018 Planning Commission Minutes were approved.

Last page of minutes – word “gate” should be “date”- Mr. Giller.

Page 6 of packet, concerning Ten Mile Room, Mr. Gerard, should say “to solve problem *with parking*”.

### APPROVAL OF AGENDA

With no changes, the July 17, 2018 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No Comments

### CONSENT CALENDAR:

1. Ernst Addition, Remodel and Driveway Variance (CL), PL-2018-0103, 73 Red Feather Rd.
2. Cove Residence (JL), PL-2018-0272, 107 Victory Ln.

With no call-ups, the Consent Calendar was approved as presented.

### TOWN PROJECTS:

1. Breckenridge Transit Bus Storage (JL), PL-2018-0211, 1201 Airport Rd.

Mr. Lott presented a proposal to construct a 5,000 sq. ft. structure with six bay electric bus storage and additional equipment storage. (Mr. Lott pointed out on a map where the site is located.) The building is made of metal with a flat roof. Several of the buildings in this facility didn't go through planning and were not reviewed, however this building is not very different from those. -6 points are awarded under policy 5A. The colors will be beige and brown, consistent with the other structures on the site. The height is 16' 9" and under this policy any ridgeline over 50' receives negative points. The building is very utilitarian. Total negative points are -7. Staff recommends +6 points under Policy 24R for meeting a 2018 Town Council goal of expanding the electric bus fleet. Under Policy 25R transit, staff recommends +4 points because the project is contributing to the non-auto transit system. Not much else is changing on the site. Staff finds that the berm along airport road provides a significant buffer. Passing point analysis of +3 points. One finding was added in regards to the undergrounding of utility lines.

#### *Commissioner Questions/Comments:*

Mr. Lamb: Are the buses charged and stored in here? Mr. Lott: Yes, both stored and charged.

Mr. Giller: What are the three boxes to the north and behind it? Shannon Smith, Capital Project Manager: Existing buildings that we are going to move. (Pointed out on map.)

Mr. Schroder: In regards to access and circulation; how will the buses get in? Do they back in? And, is there a plan to acquire more than the 2 buses we have heard about? Ms. Smith: Yes, and there is a long waiting period when ordering a bus. (Pointed on the map how the buses will enter the facility.)

Ms. Leidal opened the hearing for public comment. No comments.

- Mr. Gerard: The area is pretty protected and screened with landscaping. We need the buses and I agree with the point analysis.
- Mr. Schroder: I support.
- Mr. Giller: I support.
- Mr. Schuman: I agree.
- Mr. Lamb: I agree and think the architecture is compatible and I'm excited to have electric busses.
- Ms. Dudney: I agree.

Mr. Schroder made a motion to approve with the added finding, seconded by Mr. Gerard. The motion carried unanimously (7-0).

**OTHER MATTERS:**

1. Administrative Rules and Regulations for the Town of Breckenridge Development Code and Subdivision Standards
2. Class D Majors, Q2 2018
3. Class C Subdivisions, Q2 2018
4. Town Council Summary

Ms. Leidal: I see the rules and regulations say the Class C subs will be forwarded at the next meeting. (Ms. Puester: If that is still ok with the Commission, we would send them quarterly as we currently do. Will make sure it is reflected. (Commission: Yes that is ok).)

Ms. Puester: I have two questions for the Commission regarding the CLG Annual Reporting that I am working on for the State. 1) I want to be sure I have correct numbers for Telluride conference attendance. Mr. Giller, Mr. Gerard, Ms. Dudney. 2) Saving Places Conference attendance: Ms. Leidal, Mr. Giller, Mr. Gerard.

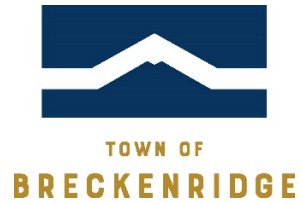
Mr. Schroder: The APA conference will be in Keystone and should be easy to attend. Ms. Puester: We have also started talking about a PC field trip in October and potential dates. We also have some seats up this year – 4 seats. Gretchen, Ron, Christie, and Mike. We have a different process this year, the Council has gone away from formal interviews at their formal meetings and we do the application review with staff and Council representation, interviews internally with that group, then make a recommendation to the Council. We will still have the same advertising in October.

**ADJOURNMENT:**

The meeting was adjourned at 5:52 pm.

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Christie Mathews-Leidal, Chair



# Memo

To: Breckenridge Town Council Members  
From: Tim Berry, Town Attorney  
Date: 7/17/2018 (for July 24<sup>th</sup> meeting)  
Subject: Council Bill No. 18 (National Electrical Code Ordinance)

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The second reading of the ordinance to adopt the 2017 National Electrical Code is scheduled for your meeting on July 24<sup>th</sup>. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 ***FOR WORKSESSION/SECOND READING – JULY 24***

2  
3 ***NO CHANGE FROM FIRST READING***

4  
5 Additions To The Current Breckenridge Town Code Are  
6 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

7  
8 COUNCIL BILL NO. 18

9  
10 Series 2018

11  
12  
13 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 8 OF THE BRECKENRIDGE  
14 TOWN CODE CONCERNING THE BUILDING CODES OF THE TOWN OF  
15 BRECKENRIDGE BY ADOPTING BY REFERENCE THE NATIONAL ELECTRICAL  
16 CODE, 2017 EDITION

17  
18 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
19 COLORADO:

20  
21 Section 1. Item F in the list of codes adopted by reference in Section 8-1-3 of the  
22 Breckenridge Town Code is amended as follows:

23  
24 F. National Electrical Code, 2014 ~~2014~~ **2017** Edition, published by the National Fire  
25 Protection Association.

26  
27 Section 2. Section 8-1-9 of the Breckenridge Town Code is amended to read as follows:

28  
29 8-1-9: AMENDMENTS TO THE NATIONAL ELECTRICAL CODE: There  
30 are no amendments to the National Electrical Code, 2014 ~~2014~~ **2017** edition.

31  
32 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the  
33 various secondary codes adopted by reference therein, shall continue in full force and effect.

34  
35 Section 4. The Town Council finds, determines and declares that it has the power to  
36 adopt this ordinance pursuant to: (i) Section 31-15-601, C.R.S.; (ii) Section 5.13 of the  
37 Breckenridge Town Charter; and (iii) the powers granted to home rule municipalities by Article  
38 XX of the Colorado Constitution.

39  
40 Section 5. This ordinance shall be published and become effective as provided by Section  
41 5.9 of the Breckenridge Town Charter.

42  
43 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
44 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2018. A Public Hearing shall be held at the



1 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
2 \_\_\_\_, 2018, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
3 Town.

4  
5 TOWN OF BRECKENRIDGE, a Colorado  
6 municipal corporation  
7

8  
9  
10 By: \_\_\_\_\_  
11 Eric S. Mamula, Mayor  
12

13 ATTEST:  
14

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16  
17 \_\_\_\_\_  
18 Helen Cospolich, CMC,  
19 Town Clerk  
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# Memo

To: Breckenridge Town Council  
Cc: Rick Holman, Shannon Haynes  
From: James Phelps, Director Public Works  
Date: 7/18/2018 (For July 24 – TC Work Session)  
Subject: Ordinance Authorizing the Conveyance of Town Property – Tract D, Stan Miller Subdivision

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The subject town property (Tract D) was acquired from the Stan Miller Subdivision, as part of the water plant project and required road improvements. Tract D is 1249 sq. ft. triangle parcel. The Tract D parcel is located on the eastside of the Stan Miller Dr. The paving of Stan Miller Drive identified the parcel as non-contiguous with the Stan Miller Subdivision.

The Stan Miller Drive road improvements additionally required a new driveway access for the Breckenridge Building Center owned by B & D Limited Partnership. The driveway location was designed and constructed including a portion of Tract D.

The town entered into an agreement (May 24, 2018) with B & D Limited Partnerships that included the conveyance of Tract D in exchange for a drainage easement. The drainage easement is necessary for the water treatment plant and is located on the B & D Limited Partnership property.

Staff will be available for any questions at the Work Session.

1 **FOR WORKSESSION/FIRST READING – JULY 24**

2  
3 COUNCIL BILL NO. \_\_\_\_

4  
5 Series 2018

6  
7 AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY  
8 TO B & D LIMITED PARTNERSHIP  
9 (Tract D, Stan Miller Subdivision)

10  
11 WHEREAS, the Town has acquired the real property known as Tract D, Stan Miller  
12 Subdivision, Town of Breckenridge, Summit County, Colorado (“**Property**”); and

13  
14 WHEREAS, the Town entered into that Agreement with B & D Limited Partnership, an  
15 Illinois limited partnership authorized to do business in Colorado (“**B & D**”), dated May 24,  
16 2018 (“**Agreement**”); and

17  
18 WHEREAS, the Town is required to convey the Property to B & D pursuant to the  
19 Agreement; and

20  
21 WHEREAS, Section 15.3 of the Breckenridge Town Charter requires that conveyance of  
22 the real property to B & D be authorized by ordinance.

23  
24 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
25 BRECKENRIDGE, COLORADO:

26  
27 Section 1. The Town Manager and the Town Clerk are authorized, empowered, and  
28 directed to execute, acknowledge, and deliver to B & D Limited Partnership, an Illinois limited  
29 partnership authorized to do business in Colorado, the special warranty deed a copy of which is  
30 marked **Exhibit “A”**, attached hereto and incorporated herein by reference.

31  
32 Section 2. The Town Council finds, determines, and declares that it has the power to  
33 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX  
34 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

35  
36 Section 3. This ordinance shall be published and become effective as provided by  
37 Section 5.9 of the Breckenridge Town Charter.

38  
39 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
40 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2018. A Public Hearing shall be  
41 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the  
42 \_\_\_\_ day of \_\_\_\_\_, 2018, at 7:30 P.M., or as soon thereafter as possible in the  
43 Municipal Building of the Town.  
44  
45

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_  
Helen Cospolich  
Town Clerk

**EXHIBIT "A"****SPECIAL WARRANTY DEED**

**THIS DEED** is made this \_\_\_\_ day of \_\_\_\_\_, 2018, between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose address is P.O. Box 168, Breckenridge, Colorado 80424 ("Grantor"), and B & D LIMITED PARTNERSHIP, an Illinois limited partnership authorized to do business in Colorado, whose address is 1480 Sequoia Drive, Aurora, Illinois 60506 the ("Grantee").

**WITNESSETH**, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm unto the Grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the Town of Breckenridge, Summit County, Colorado described as follows:

See the attached **Exhibit "A"** and **Exhibit "B"**, which are incorporated into this deed by reference.

also known by street and number as: vacant land

**TOGETHER** with all and singular the hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

**TO HAVE AND TO HOLD** the said premises above bargained and described with the appurtenances, unto the Grantee, its successors and assigns forever. The Grantor, for itself and its successors, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through, or under the Grantor.

**IN WITNESS WHEREOF**, the Grantor has executed this deed on the date set forth above.

This Deed is executed pursuant to Ordinance No. \_\_\_\_, Series 2018, adopted by the Town Council of the Town of Breckenridge on August 14, 2018.

**SPECIAL WARRANTY DEED**

TOWN OF BRECKENRIDGE

By: \_\_\_\_\_  
Rick G. Holman, Town Manager

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

STATE OF COLORADO    )  
                                  ) ss.  
COUNTY OF SUMMIT    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018 by Rick G. Holman, Town Manager, and Helen Cospolich, CMC, Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

EXHIBIT A  
 LEGAL DESCRIPTION  
 "TRACT D, OF THE STAN MILLER SUBDIVISION"  
 TOWN OF BRECKENRIDGE,  
 SUMMIT COUNTY, COLORADO

A PARCEL OF LAND LOCATED IN THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN. SAID PARCEL BEING DESCRIBED AS "TRACT D" OF THE MILLER SUBDIVISION, A SUBDIVISION AS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER FOR SUMMIT COUNTY COLORADO AT RECEPTION No. 886225, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT D

COMMENCING AT THE SOUTHEAST CORNER OF SAID MILLER SUBDIVISION, THENCE; N11°43'35"E, A DISTANCE OF 167.15 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF STAN MILLER DRIVE, THE TRUE POINT OF BEGINNING.

THENCE; N14°09'45 "W, ALONG SAID RIGHT OF WAY, A DISTANCE OF 20.50 FEET.

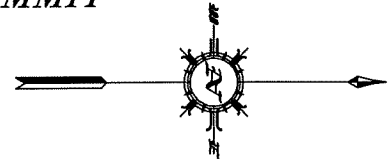
THENCE; CONTINUING ALONG SAID RIGHT OF WAY, 67.70 FEET ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 570.00 FEET AND A CHORD WHICH BEARS N10°45'36"W, A DISTANCE OF 67.66 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID MILLER SUBDIVISION.

THENCE; S56°06'06"E, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 37.61 FEET.

THENCE; S11°43'35"W, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 66.76 FEET TO THE TRUE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINING 1249 SQ. FT. OR 0.0287 ACRES, MORE OR LESS.

**EHHIBIT B**  
**TRACT D, MILLER SUBDIVISION**  
**TOWN OF BRECKENRIDGE, SUMMIT**  
**COUNTY COLORADO**



SCALE 1"=50'

**MILLER SUBDIVISION**  
**REC. No. 886225**

**TOWN OF**  
**BRECKENRIDGE**  
**REC. 699409**

**L=67.70'**  
**R=570.00'**  
**C LEN=67.66'**  
**BRG=N10°45'36"W**

POINT OF  
COMMENCEMENT

**STAN MILLER DRIVE**  
**60' R.O.W.**

**N11°43'35"E, 167.15'**

**N14°09'45"W**  
**20.50'**

TRUE POINT OF  
BEGINNING

**66.76'**  
**S11°43'35"W**

**37.61'**  
**S56°06'06"E**

**TOWN OF**  
**BRECKENRIDGE**  
**REC. 699409**

**N82°14'27"W**  
**452.27'**

**TRACT D**  
**1249 SQ. FT.**  
**0.0287 ACRES**

**BRECKENRIDGE BUILDING CENTER**  
**REC No. 631011**

**BASELINE SURVEYS, LLC**

P.O. BOX 7578 BRECKENRIDGE COLO. 80424

SCALE: 1"=50'	DATE: 5/24/2018	JOB NO. 4000
DRAWN BY: D.E.O.	CHECKED BY: N.P.O.	DRAWING NO. 4000 TR-D





# Memo

To: Breckenridge Town Council Members  
 From: Laurie Best-Community Development Department  
 Date: 7/18/2018 (for July 10, 2018)  
 Subject: A RESOLUTION APPROVING THE SIXTH AMENDMENT TO ANNEXATION AGREEMENT (Lincoln Park)

A Resolution is attached for the sixth amendment to the annexation agreement for Wellington Neighborhood/Lincoln Park. The original Annexation Agreement that was approved in 1999 established the basic terms and obligations of the Developer regarding the neighborhood. Over time, these terms have been modified and/or clarified thru formal amendments in order to address changes in the market, processes, and design as the project has built out.

This sixth amendment addresses issues with the Affordability Benchmarks established in the Third Amendment which was dated March 25, 2014 and recorded May 23, 2014 at reception number 1055482. In that 2014 amendment, the AMI targets and pricing benchmarks were established for the 128 deed restricted units that were yet to be built. That 2014 amendment also included changes to the pricing formula, which factors in the Area Median Income (AMI) and specific interest rate assumptions to determine affordable sale prices.

Unfortunately, and unexpectedly after the formula was established in 2014 the Summit County AMI started to decline to a low in 2016. It has started to recover, but as of 2018 the AMI (at \$90,600) is still less than the 2014 AMI at \$90,800. Because the pricing formula relies on AMI, the developer has been unable to increase pricing since May 2014. This was not the intent of the 2014 formula, especially given the cost of construction increases since 2014 and market recovery that is still underway since the recession.

The Developer approached the Town in late 2017 regarding pricing for the 3<sup>rd</sup> Phase of Lincoln Park (13 units) and also for the 4<sup>th</sup> and final Phase of Lincoln Park (10 units). Because of the issues with AMI in the pricing formula the Council was willing to allow the final 23 units be sold for prices that are higher than calculated under the formula. The approved prices and corresponding AMI targets are listed below.

<b>Phase 3 (13 units)</b>				
<b>Model</b>	<b># of units</b>	<b>AMI</b>	<b>Size</b>	<b>Approved Base Price</b>
Aspen, Oak , and Honey Locust	5	100% AMI	3 bed	\$429,876
Hawthorne, Juniper, Cottonwood	4	120% AMI	3	\$446,083
Willow	2	100% AMI	3	\$364,545
Fir	2	100% AMI	2	\$348,583

<b>Phase 4 (10 units)</b>				
<b>Model</b>	<b># of units</b>	<b>AMI</b>	<b>Size</b>	<b>Approved Base Price</b>
Fir	1	100% AMI	2 bed	\$349,900
Willow	1	100% AMI	3	\$400,900
Honey Locust/Aspen	2	100% AMI	3	\$459,000
Oak	2	100% AMI	3	\$476,900
Cottonwood	1	120% AMI	3	\$499,613
Hawthorne	2	120% AMI	3	\$519,000
Model-Oak	1	120%	3	\$499,613

Recommendation:

Staff is aware that AMI is not always an accurate reflection of current income for working households because of the HUD methodology, particularly the lag in their data. There is very strong demand for these units and the prices are in line with other deed restricted inventory. Therefore, Staff supports the Resolution to allow these sale prices as opposed to prices calculated pursuant to the formula and will be available to answer questions at your July 24<sup>th</sup> meeting.

1 **FOR WORKSESSION/ADOPTION – JULY 24**

2  
3 RESOLUTION NO. \_\_\_\_\_

4  
5 SERIES 2018

6  
7 A RESOLUTION APPROVING A SIXTH AMENDMENT TO ANNEXATION AGREEMENT  
8 WITH UNION MILL, INC.  
9 (The Wellington Neighborhood/Lincoln Park)

10  
11 WHEREAS, the Town and Brynn Grey V, LLC, a Colorado limited liability company,  
12 entered into that certain Annexation Agreement dated August 24, 1999 and recorded in the  
13 Summit County, Colorado real estate records on October 18, 1999 at Reception No. 608041  
14 (“**Annexation Agreement**”); and

15  
16 WHEREAS, Union Mill, Inc., a Colorado corporation (“**Union Mill**”), is the successor in  
17 interest to Bryn Grey V, LLC, a Colorado limited liability company; and

18  
19 WHEREAS, the Annexation Agreement pertains to the annexation to the Town and  
20 development of the project known as the “Wellington Neighborhood,” and now includes the  
21 development of a project known as “Lincoln Park;” and

22  
23 WHEREAS, the Annexation Agreement was previously amended by that Amendment to  
24 Annexation Agreement dated February 28, 2006 and recorded in Summit County, Colorado real  
25 estate records on March 22, 2006 at Reception No. 817872; and

26  
27 WHEREAS, the Annexation Agreement was further amended by that Second  
28 Amendment to Annexation Agreement dated November 23, 2010 and recorded in Summit  
29 County, Colorado real estate records on December 28, 2010 at Reception No. 954419; and

30  
31 WHEREAS, the Annexation Agreement was further amended by that Third Amendment  
32 to Annexation Agreement dated March 25, 2014 and recorded in Summit County, Colorado real  
33 estate records on May 23, 2014 at Reception No. 1055482; and

34  
35 WHEREAS, the Annexation Agreement was further amended by that Fourth Amendment  
36 to Annexation Agreement dated October 27, 2015 and recorded in Summit County, Colorado  
37 real estate records on November 4, 2015 at Reception No. 1096307; and

38  
39 WHEREAS, the Annexation Agreement was further amended by that Fifth Amendment  
40 to Annexation Agreement dated May 31, 2017 and recorded in Summit County, Colorado real  
41 estate records on August 4, 2017 at Reception No. 1148074; and

42  
43 WHEREAS, the Union Mill and Town desire to further amend the Annexation  
44 Agreement, as previously amended, as more fully set forth in the proposed “Sixth Amendment to  
45 Annexation Agreement,” a copy of which is marked **Exhibit “A”**, attached hereto, and  
46 incorporated herein by reference; and



## SIXTH AMENDMENT TO ANNEXATION AGREEMENT

This Sixth Amendment to Annexation Agreement (“Sixth Amendment”) is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2018 by and between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation (“Town”) and UNION MILL, INC., a Colorado corporation (“Owner”), to amend the Annexation Agreement dated August 24, 1999 and recorded in the Summit County, Colorado real estate records on October 18, 1999 at Reception No. 608041 (“Annexation Agreement”), as previously amended by the Amendment to Annexation Agreement dated February 28, 2006 and recorded in the Summit County, Colorado real estate records on March 22, 2006 at Reception No. 817872 (“First Amendment”), the Second Amendment to Annexation Agreement dated November 23, 2010 and recorded in the Summit County, Colorado real estate records on December 28, 2010 at Reception No. 954419 (“Second Amendment”), the Third Amendment to Annexation Agreement dated March 25, 2014 and recorded in the Summit County, Colorado real estate records on May 23, 2014 at Reception No. 1055482 (“Third Amendment”), the Fourth Amendment to Annexation Agreement dated October 27, 2015 and recorded in the Summit County, Colorado real estate records on November 4, 2015 at Reception No. 1096307 (“Fourth Amendment”); and the Fifth Amendment to Annexation Agreement dated May 31, 2017 and recorded in the Summit County, Colorado real estate records on August 4, 2017 at Reception No. 1148074 (“Fifth Amendment”).

WHEREAS, Owner and Town desire to further amend the Annexation Agreement as fully set forth hereafter.

NOW, THEREFORE, in consideration of the recitals, promises and covenants contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **DEFINITIONS.** All capitalized terms used herein shall have the same meaning as provided in the Annexation Agreement, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and Fifth Amendment unless otherwise defined in this Sixth Amendment.

2. **APPROVED BASE PRICES FOR LINCOLN PARK PHASE 3 AND PHASE 4.** With respect to the Third Phase of Lincoln Park (13 units) and the Fourth (and final) Phase of Lincoln Park (10 units), the Approved Base Prices set forth on the attached Exhibit A shall control over any contrary or conflicting provision in the original Annexation Agreement, or any previous amendment thereto.

3. **EFFECT OF AMENDMENTS.** Except as provided in this Sixth Amendment, all terms and conditions of the Annexation Agreement, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, and Fifth Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Sixth Amendment as of the date first written above.

UNION MILL, INC.,  
a Colorado corporation

By: \_\_\_\_\_  
David G. O’Neil, President

Developer’s Address:

777 Pearl Street, Suite 200  
Boulder, CO 80302

STATE OF COLORADO    )  
  ) ss.  
COUNTY OF SUMMIT    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by David G. O’Neil, as President of Union Mill, Inc., a Colorado corporation.

WITNESS my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



Exhibit A  
To  
Sixth Amendment to Annexation Agreement

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**Approved Base Prices For Third and Fourth Phases of Lincoln Park**

<b>Phase 3 (13 units)</b>				
<b>Model</b>	<b># of units</b>	<b>AMI</b>	<b>Size</b>	<b>Approved Base Price</b>
Aspen, Oak , and Honey Locust	5	100% AMI	3 bed	\$429,876
Hawthorne, Juniper, Cottonwood	4	120% AMI	3	\$446,083
Willow	2	100% AMI	3	\$364,545
Fir	2	100% AMI	2	\$348,583

<b>Phase 4 (10 units)</b>				
<b>Model</b>	<b>#of units</b>	<b>AMI</b>	<b>Size</b>	<b>Approved Base Price</b>
Fir	1	100% AMI	2 bed	\$349,900
Willow	1	100% AMI	3	\$400,900
Honey Locust/Aspen	2	100% AMI	3	\$459,000
Oak	2	100% AMI	3	\$476,900
Cottonwood	1	120% AMI	3	\$499,613
Hawthorne	2	120% AMI	3	\$519,000
Model-Oak	1	120% AMI	3	\$499,613



# Memo

**To:** Breckenridge Town Council Members  
**From:** Shannon Smith, Capital Projects Manager  
**Date:** 7/18/2018  
**Subject:** Public Projects Update

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## Sawmill Creek Culvert Repair

Schedule: The Sawmill Creek Culvert project is progressing on schedule. The contractor dewatered the stream on July 11<sup>th</sup> and Parks Staff were onsite to assist in relocation of fish from the dewatered stream. Debris removal is underway, as well as preparation for rainwater diversion from the culvert. The project is anticipated to be completed by October 1<sup>st</sup>.



View of dewatered stream and staging area for culvert entry and debris removal.



Fish relocation to upstream reach of Sawmill Creek.



Upstream diversion of Sawmill Creek.



Budget:

Project Funding	2017	2018	Total
CIP Budget	150,000	300,000	450,000
Previous Spending Authority		150,000	150,000
Total Budget			600,000

**Ski Hill Road Reconstruction by Alpine Metro District**

Schedule: Work is ongoing at the Ski Hill Road project. The contractor has erected scaffolding adjacent to the retaining wall in preparation for the shot-crete operation to face the wall. Road work will occur later this summer and into the fall.



**North Water Treatment Plant**

A project summary report prepared by the consultant team is attached to this memo.

**CIP projects with no updates:**

- River Park (updated 7-10-18)
- Broadband (updated 7-10-18)
- Kingdom Park Shade Structure (updated 7-10-18)
- Ski Hill Wall (updated 6-26-18)
- Asphalt Overlay (updated 5-8-18)
- Ball Field LED Lights
- Indoor Ice Rink Lights
- Blue River Habitat and Landscaping (updated 11-28-17)
- Pool Area Lights and Window Replacement (updated 9-26-17)
- Morning Star Culvert Repair (updated 8-8-17)
- Outdoor Ice Rink Bleacher Heating (updated 4-25-17)

# Town of Breckenridge North Water Treatment Plant

Prepared by M. Petters/HDR Engineering, Inc.



Stan Miller Drive 06/19/2018

## June 2018

**Contractor:**  
Moltz Construction, Inc.

**Designer:**  
HDR Engineering, Inc.  
Tetra Tech

**Award Date:**  
December 8, 2017

**Notice to Proceed:**  
December 15, 2017

**Notice to Mobilize:**  
March 21, 2018

**Substantial Completion Date:**  
August 6, 2020

**Original Duration:** 869 Days

**Days Added by CO:** 0

**Time Percent Complete:** 11.6 %

**Cost Percent Complete:** 8.6 %

**Guaranteed Maximum Price:**  
\$42,000,000

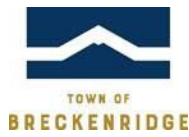
**Change Order Total:** \$39,880

**Current Contract Value:** \$42,039,880

**Invoiced to Date:** \$ 5,998,157

**Cost Growth:** 0.09%

**Schedule Growth:** 0 Days



### Schedule and Budget Status

Moltz Construction Inc. has completed work for 14.3% of the project value within 11.6% of the available contract time. Their current schedule update shows them completing the contract on time.

One Change order has been issued to date for the project. There have been 4 Work Change Directives, 15 Change Proposal Requests and 17 Field Orders initiated on the project.

### Accomplishments/Highlights

Stan Miller Inc. (SMI) continues to lay the 16 inch ductile iron raw water pipeline. Approximately 10,703 LF of 16" pipe has been laid. Moltz Construction Inc., (MCI) has laid raw water pipe south from SMI's contract end at the Water Treatment Plant.

At the Administration Building MCI has completed the stem walls and placed the east half of the building floor. Triangle Electric has completed the under slab conduits and Sierra Blanco has completed the under slab sanitary sewer.

At the Treatment Building (WTP) MCI has placed the southeast corner footing. They started the stem wall formwork. Rumbler Rebar installs the steel reinforcing.

Malcolm has completed the vibro-replacement. They are waiting on SPT drilling results before mobilizing their equipment off site.

At the Water Plant Site MCI has connected the 8 inch Potable Water Plant Water Supply to Breckenridge existing distribution system. Water Service Line B has been laid all the way to the Water Treatment Plant.

At the Water Treatment Plant Site MCI has completed construction of the new Stan Miller Road alignment west of the site. The surface has been paved.

At the Raw Water Pump Station MCI has placed the Wet Well slab on grade and placed the southeast corner walls.

Claco (A SMI subcontractor) has excavated the launch pit for the bore under State Highway 9. They have tunneled approximately 18 LF.

At the Water Treatment Plant MCI continues to install and encase the under the slab process pipe. Triangle Electric is installing the under the slab conduits. They completed the ductbank from the generator to the Water Treatment Plant.

## Construction Accomplishments and Milestones

### Town of Breckenridge

#### Second Water Treatment Plant

06/05/2018- Raw Water Pipe at Swan Mountain Road Blue River Crossing



06/07/2018- Waterline A



### Town of Breckenridge

#### Second Water Treatment Plant

06/08/2018- Water Plant Vibro-Replacement



06/11/2018- Raw Water Pump Station Subgrade



Town Of Breckenridge  
Second Water Treatment Plant

06/13/2018- Under Slab Process Pipe



06/18/2018- Ductbank Generator to WTP



Town of Breckenridge  
Second Water Treatment Plant

06/18/2018- Administration Building Subgrade



06/21/2018- Water Treatment Plant Footing



Town of Breckenridge  
Second Water Treatment Plant

06/22/2018- Raw Water Pipeline



06/27/2018- Placing Concrete



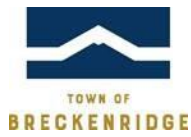
Town Of Breckenridge  
Second Water Treatment Plant

06/27/2018- State Highway 9 Finished Water  
Bore Launch Pit



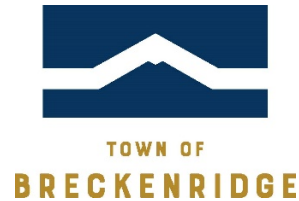
06/29/2018- Stan Miller Drive Paving





Upcoming Activities/Milestones	Planned Date
Stan Miller Inc. will try to complete the raw water pipeline by the end of July.	07/31/2018
MCI will place the remaining slab on grade at the Administration Building.	07/05/2018
MCI will excavate for the finish water pump station, form and place the slab(s) on grade.	07/26/2018
MCI will continue walls at the Raw Water Pump Station and start work on the suspended slab.	07/19/2018
Claco will continue tunneling under State Highway 9.	Ongoing
At Treatment Building Triangle Electric will continue under the slab conduits. MCI will continue forming and placing footings and stem walls. MCI will continue under the slab process piping and encasement. They will continue to import and compact fill.	06/30/2018





# Memo

To: Breckenridge Town Council Members  
From: Rick Holman, Town Manager  
Date: 7/18/2018  
Subject: Committee Reports

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**SUMMIT STAGE ADVISORY BOARD      July 18, 2018 (Annual Retreat)      James Phelps**

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## **Ridership Summary June 2018**

- Total June 2018 fixed-route ridership was 111,911, a 4.5% decrease from June 2017 fixed-route ridership of 117,234.
  - Please note that due to the Buffalo Fire, Wildernest Route service hours were curtailed by 9.1% this month (decrease overall of 25.1%)
- Ridership on the Lake County Commuter Route for June 2018 was 2,277 – an increase of 19.8% from June 2017 ridership of 1,901.
- June 2018 ridership on the Blue River Commuter Route was 916, an increase of 85.4% from June 2017 ridership of 494.
- June 2018 paratransit ridership was 668 trips, compared to 717 trips in June 2017, a decrease of 6.8%.

## **Summary of Operating Costs June 2018**

- Operating expenses + listed encumbrances in the budget report for June 2018 were \$945,674. June 2017 numbers not available at this meeting for a comparison.
- Total maintenance costs in June 2018 were \$73,865 compared to \$66,715 in June 2017.
- June 2018 fuel costs were \$59,356 compared with \$43,825 in June 2017.

## **Summit County Mass Transit Sales Tax Receipts May 2018**

- May 2018 Mass Transit Sales Tax collections were \$537,726, up 6.91% or \$34,773 over May 2017 (\$502,953). YTD 2018 Mass Transit Sales Tax collections were \$5,158,328, up 7.3% or \$351,133 over 2017 (\$4,807,195).

## **Other Matters**

- Ann Rajewski from CASTA was in attendance to provide a state legislative (transit funding) update.
  - SB-1 – passed in May – waiting for a final decision from the State Transit Advisory Committee (STAC) and Transit and Rail Advisory Committee (TRAC) on how the funds will be disbursed.
  - New state ballot initiative to raise sales tax .62% (final number) - hope to have this ready for Nov election – getting signatures at this time.
    - Background on the initiative can be found:  
<http://files.constantcontact.com/5a6fbff8401/6f59bdf0-62ef-4af7-a206-450b82fe60a6.pdf>

- IMTPR – List of Transit Projects for Summit Stage
  - Projects reviewed were; Operations Center w/ bus bays, electric charging, potential employee housing; Frisco Transit Center completion, Bus replacements, Hwy 9 bus pullouts, Fairplay to Breckenridge commuter route and Fairplay bus barn.
  - These are listed to prioritize projects and to show the need for funding.
- Fleet Replacement Schedule
  - Reviewed a plan to reduce the amount of diesel buses, purchase electric buses and potentially switch to electric cutaway (under 40') buses.
  - See attached spreadsheet.
- Winter 2018/2019 Operations
  - This will stay the same as last winter
- Transit Plan
  - Recently received 5304 grant monies to conduct a study for a transit plan
  - Currently working on RFP language

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<b>BRECKENRIDGE EVENTS COMMITTEE</b>	<b>June 11, 2018</b>	<b>Shannon Haynes</b>
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**Attending:** Dick Carleton, Erin Gigliello, Lucy Kay, Shannon Haynes, Chase Banachowski, Saam Golgoon, Sandy Metzger, Lea Dreux, Katie L'Estrange, Tamara Park, Bruce Horii, Dave Feller, Bill Wishowski, Sarah Wetmore, Todd Rankin, Rob Prescott

Dick Carleton called the meeting to order at 9am. No comments on minutes from June 6<sup>th</sup> meeting.

**Events**

**a) REVIEW: 4th of July**

- Cancellation of fireworks didn't noticeably impact day attendance. Not as many people on NRO lawn in evening, however, anecdotally restaurants saw slight uptick from prior years.  
**ACTION: CDOT traffic counts for better sense of how many people left town at end of day; data will not be available until mid to late August.**
- There were complaints regarding the number of cars and that the participants were very spaced out. Large gaps presented a challenge for MC.
  - Car issue created by open enrollment. Discussion around whether it should be managed differently going forward? Changing model could receive negative pushback from locals.  
**ACTION: Consensus parade management at next meeting. AGENDA ITEM.**
- Not enough access with intown restrooms. Considering bringing in porto banks for next year.
- Fireworks - discussion about what a responsible course of action for the future looks like.
  - Should fireworks be moved permanently to a different time of year? Tie in with winter event?
  - Should we have fireworks at all? Board of County Commissioners considering a countywide ban.
  - Suggestion to replace 4<sup>th</sup> of July fireworks with some type of alternative animation.
  - Positive takeaway: effective messaging of ban. Not a lot of independent fireworks set off.  
**ACTION: Shannon will update BEC on fireworks conversation from Mayors, Managers & Commissioners meeting. AGENDA ITEM.**

**b) REVIEW: Bike Events**

- Haute Route – overall minimal impact.
- Ride the Rockies – Race may have contributed to rise in June occupancy. Overall, race organizers were difficult to work with and had a high cost to public works. At this time race is not considering Breck for 2019.

**c) HOG – Standing Item**

- TC expressed concern around the potential impact of noise to town and feels that proximity to July 4<sup>th</sup> makes it hard to open up public streets/space for event.
- TC response spurred suggestion for additional frame work around “how will this event be received by the community.” Parameters around what should trigger an event being kicked up to TC.

**ACTION: Once new Chair is in place - BEC/TC discussion around triggers for kicking up an event to TC.**

- d) ISSC – Standing Item
  - No new updates – still struggling with team correspondence due to GDPR email regulations.
- e) Dew Tour Dec 13-16, 2019 – Standing Item
  - No new updates – Planning for similar in town activation as previous year.
- f) Breck Pride 2019 – Standing Item
  - No new updates – Sandy sent RFP to BSR. For BTO to step up involvement, event needs to fit within strategic frame work of Spring, Summer, Fall.
- g) Breck Epic/Iron Man
  - McCormack's withdrawal from Ironman contract received strong support from community.
- h) Spartan – Standing Item
  - BTO & BSR are working through some logistical challenges with spartan producers.
    - Parking discussion. TOB doesn't plan to give up South Gondola Lot to event, would mean losing all primary parking in town core. Ice Rink Lot needed for employees with loss of Beaver Run lots.
    - TOB Open Space & Trails does not want Spartan to use of town trails for Kids Race. Previous BOSAC stated they did not feel this event was an appropriate use of Town Trails and limited approval to the trails needed to get to the Sawmill Reservoir. Town wants to review a detailed course map, and ideally have Spartan come up with an alternative route. Next year shouldn't expect approval to use town trails for the kids race. Looking to come up with a compromise for this year.
  - Early load in of Spartan Hurricane event encroaching on Breck Epic's use of BR lots. Reminder: same conflict last year spurred BEC to push Breck Epic to a week earlier.
    - Expect Breck Epic to propose a 5yr date commitment. Still goal to solidify dates out from Spartan.

**ACTION: Lea will loop Chase (BSR), Bruce (BR), Shannon (TOB) into Spartan/Epic email chain.**

- Conversation around ways to make Spartan feel welcome and keep logistics smooth. Overall, Spartan continues to be an economically important event with good destination business. From a marketing standpoint Spartan's reach is far beyond the event attendees.
- i) Weather Summit Summer 2019 (*now Solstice Conference*)
  - Austyn hosted focus group (6/28-7/1). Breckenridge received great media coverage from journalists in attendance (Weather Channel, CBS, Fox & Friends, Fox 31, Good Morning America), and group was able to put good planning in place for 2019. Officially now the Solstice Conference.
    - Event will be funded in partnership with BSR. BTO plans to apply for a CTO grant and will be reallocating some money from Camp 9600 which is on hold this year.

#### General Updates and Discussion

- a) BEC Chairperson – *Lindsey Whitney was conferenced in for BEC Chairperson discussion*
  - Committee reviewed the BEC Purpose Statement and agreed to the following additions:
    - Under Accomplishment of Event Strategies:
      - (a) Identify potential impacts on Town and Citizens requiring extra vetting; road and parking closures, trail use, noise, multi day event (*multi day events require additional consideration*).
    - Under Events Committee Structure:
      - (a) Standing Seats: TC Rep, TOB Staff, BTO, BSR, BGV, BR, Main Street Station, the Village, Arts Council, BCA.
    - Under BTO Management:
      - (a) Executive Assistant/Office Manager – *support for the committee*; develops agenda, records minutes and action items.

**ACTION: Review BEC Purpose Statement once new Chair is in place – last revised in 2015.**

- Committee reviewed the BEC Chair Responsibilities and agreed to the following revisions:
  - Addition of 'Recruit and appoint BEC members'.

- Rewrite 'Ensure that Town Council is kept apprised of notable event business' to say 'Chairperson will be available to Town Council for consultation on challenging event decisions.'
- (a) The responsibility of keeping TC apprised of event business falls to the TC Appointed Rep.
- Committee outlined key attributes of a BEC Chairperson:
  - Attends community events, connections to recruit members in community, not biased, no conflict of interest, organized, analytical, ability to run meeting with diplomacy, open minded, collaborative, consensus builder, balanced attitude toward development, solid understanding of BEC strategy and purpose.
  - (a) Lack of emphasis on prior event experience – difficult for someone coming from an events background to be free of bias and conflict of interest.
- Current nominations: Dave Rossi, Jeff Cospolich, Gavin Dalgliesh, Todd Rankin
  - Process for Chairperson
    - a) Ask for recommendation from committee members – by Friday, July 20<sup>th</sup>
    - b) Subcommittee to host interviews during the week of July 23<sup>rd</sup>
    - c) Present recommendation to Council on August 14<sup>th</sup>
- ACTION:**
  - **Nomination Sub Committee: Dick, Erin, Lucy, Shannon, BSR**
  - **Dick Carlton will remain on as Committee Chair through next meeting.**
- b) SEPA Process Discussion
  - New permit application deadline goes into effect on August 1st. Applications submitted after new 90-day deadline may be subject to rejection. New application fees will not go into effect until Jan. 2019 (if approved by TC during the budget process).
  - Communication plan for new permitting process
    - BTO will be sending emails to anyone who has previously submitted an event application and provided an email contact. The town and BTO website will also be updated.
    - Suggestion to also message new process through Cultural Coalition and Summit Foundation.
- c) Balanced Economy Discussion -Standing Item
  - Moving forward with Destination Plan. Meeting scheduled for next week with smaller Executive Group to outline the Community Steering Committee. Planning to meet in Breckenridge with IntraVista group last week of July/first week of August.
  - As of now targeting Feb/March for delivery of final plan, however, hoping to drive process more quickly with the work already done with the Expectations Research.
- Task Force Updates
- a) Emergency Action Plan Task Force
  - Peyton is creating a fillable EAP Form. Form will be accompanied by a completed version as example.
    - Suggestion to use Oktoberfest for the example as EAP is more comprehensive than most events.
    - Benchmark for EAP Form is 1000ppl. Crisis Communication Plan required of all events.
    - Currently Crisis Communication Plan is included in larger EAP Form. Looking to have two separate forms, one for smaller events specific to Crisis Communication.
- b) Sustainable Event Task Force
  - TOB Sustainability Position has been filled – Jessica Burley. Committee will be reconvening after conclusion of summer events and should have an update in Sept.
- SEPA Review
- a) Noted “gray area” around what events require a permit. Examples: concerts at Distillery and RMU.
  - ACTION: Deeper dive into language defining parameters around requiring an event permit.**
  - ADD AS AGENDA ITEM and include referenced language in packet.**
- b) Discussion around enforcing compliance.
  - ACTION: Shannon will invite the Chief of Police to next BEC meeting as an observer.**
  - Discussion around enforcing compliance next meeting. AGENDA ITEM**
- Agenda Items for next BEC Meeting (Aug 1<sup>st</sup>, 2018)
- a) EVENTS

- BIFA- Aug 10<sup>th</sup>-19<sup>th</sup>
  - 4<sup>th</sup> of July - Fireworks Update (Shannon) & Consensus on Parade Management
  - Breck Pride 2019 -Standing Agenda Item
  - Dew Tour 2018 -Standing Agenda Item
  - Spartan - Standing Agenda Item
  - Breck Epic - Standing Agenda Item
  - ISSC – Standing Agenda Item
  - HOG – Standing Agenda Item
- b) General Updates/Discussion
- BEC Chair
  - SEPA Process - Parameters around requiring a permit (language in packet) & Enforcing compliance
  - Balanced Economy Discussion – Standing Agenda Item.

Events Calendar Link:

<https://calendar.google.com/calendar/embed?src=MzAwOXJlb3FIN2NydHBvczM0YjFnZTRuazBAZ3JvdXAuY2FsZW5kYXluZ29vZ2xlLmNvbQ&pli=1>

<b>Committees*</b>	<b>Representative</b>	<b>Report Status</b>
CAST	Mayor Mamula/ Erin Gigliello	No Meeting/Report
CDOT	Rick Holman	No Meeting/Report
CML	Rick Holman	No Meeting/Report
I-70 Coalition	Rick Holman	No Meeting/Report
Mayors, Managers & Commissioners	Mayor Mamula/ Rick Holman	No Meeting/Report
Liquor and Marijuana Licensing Authority	Helen Cospolich	No Meeting/Report
Summit Stage Advisory Board	James Phelps	Included
Police Advisory Committee	Chief Jim Baird	No Meeting/Report
CMC Advisory Committee	Rick Holman	No Meeting/Report
Recreation Advisory Committee	Jenise Jensen/Scott Reid	No Meeting/Report
Workforce Housing Committee	Laurie Best	No Meeting/Report
Child Care Advisory Committee	Jennifer McAtamney	<i>Included as a separate agenda item</i>
Breckenridge Events Committee	Shannon Haynes	Included
Transit Advisory Committee	Shannon Haynes	No Meeting/Report
Communications	Haley Littleton	No Meeting/Report

**Note:** Reports provided by the Mayor and Council Members are listed in the Council agenda.



TOWN OF  
**BRECKENRIDGE**

## June 30, 2018 Financial Reports

### Department of Finance



***WAVE: Light + Water + Sound** - Started by Breckenridge Creative Arts (BCA) in 2016. For the third year in a row, WAVE transformed Blue River Plaza in downtown Breckenridge with creative installations, musical performances, screenings, digital art and other versions of eye candy from May 31 to June 3, 2018.*

*Photo Credit: Jenise Jensen*

## Executive Summary

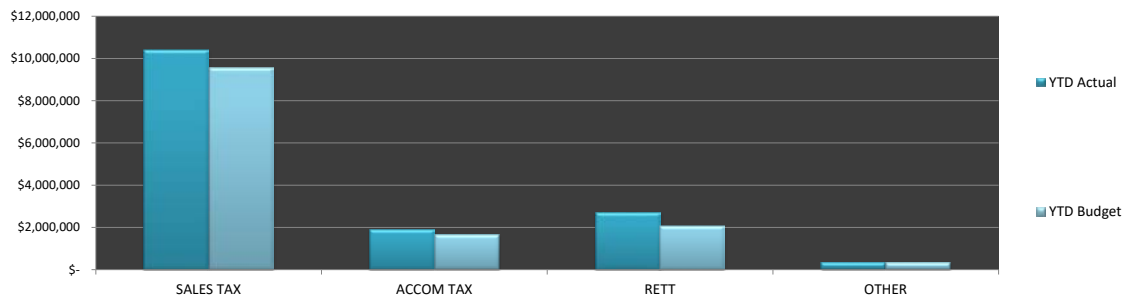
June 30, 2018

This report covers the first 6 months of 2018. June is largely reflective of May tax collections. We are approximately \$1.7M over 2018 budgeted revenues in the Excise fund. This is largely due to sales tax being \$867k over budget and \$979k ahead of prior year.

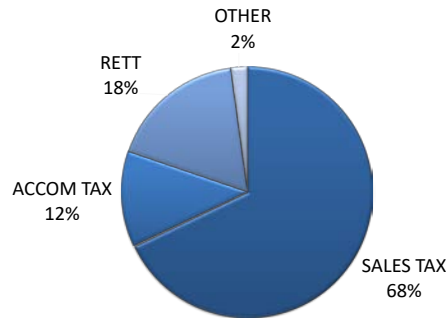
See the Tax Basics section of these financial reports for more detail on the sales, accommodations, and real estate transfer taxes.

Expenditures are holding the line, with the General Fund tracking only slightly above YTD budgeted expense amount, due to early year timing in relation to the monthly budget (see General Fund Expenditures Summary for details).

**Excise YTD Actual vs. Budget - by Source**



**YTD Actual Revenues - Excise**



	YTD Actual	YTD Budget	% of Budget	Annual Budget	Prior YTD Actual	Prior Annual Actual
SALES TAX	\$ 10,407,334	\$ 9,540,104	109%	\$ 21,764,800	\$ 9,428,589	\$ 21,567,073
ACCOMMODATIONS TAX	1,896,256	1,633,281	116%	2,996,900	1,638,071	3,068,530
REAL ESTATE TRANSFER	2,699,765	2,099,128	129%	5,000,000	2,931,800	6,239,221
OTHER*	326,875	333,030	98%	775,130	315,399	791,882
<b>TOTAL</b>	<b>\$ 15,330,229</b>	<b>\$ 13,605,543</b>	<b>113%</b>	<b>\$ 30,536,830</b>	<b>\$ 14,313,859</b>	<b>\$ 31,666,706</b>

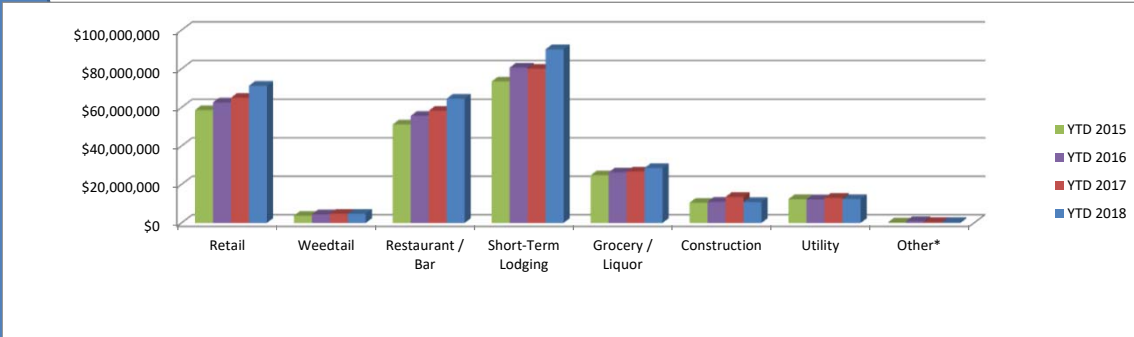
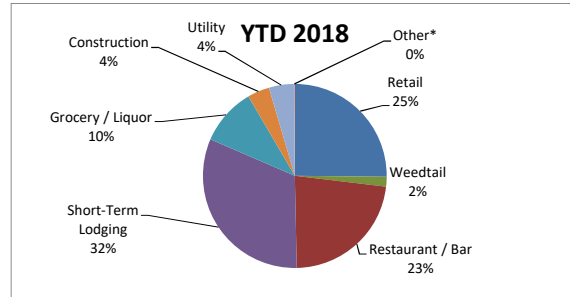
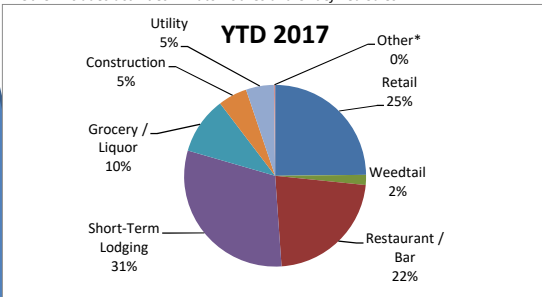
\* Other includes Franchise Fees (Telephone, Public Service and Cable), Cigarette Tax, and Investment Income

## The Tax Basics

### Net Taxable Sales by Industry-YTD

Description	YTD 2015	YTD 2016	YTD 2017	2017		2017/2018		2018
				% of Total	YTD 2018	\$ Change	% Change	
Retail	\$58,642,398	\$62,586,858	\$65,016,964	24.82%	\$71,210,242	\$6,193,278	9.53%	25.16%
Weedtail	\$3,728,885	\$4,468,071	\$4,760,649	1.82%	\$4,773,275	\$12,626	0.27%	1.69%
Restaurant / Bar	\$51,248,353	\$55,663,811	\$58,324,157	22.27%	\$64,577,735	\$6,253,578	10.72%	22.82%
Short-Term Lodging	\$73,462,714	\$80,620,098	\$80,040,169	30.56%	\$90,119,411	\$10,079,242	12.59%	31.84%
Grocery / Liquor	\$24,753,547	\$26,249,765	\$26,713,360	10.20%	\$28,557,337	\$1,843,977	6.90%	10.09%
Construction	\$10,493,744	\$10,990,940	\$13,505,498	5.16%	\$10,894,384	(\$2,611,114)	-19.33%	3.85%
Utility	\$12,371,616	\$12,239,339	\$13,061,212	4.99%	\$12,438,096	(\$623,115)	-4.77%	4.39%
Other*	\$261,559	\$950,950	\$529,395	0.20%	\$465,292	(\$64,103)	-12.11%	0.16%
<b>Total</b>	<b>\$234,962,816</b>	<b>\$253,769,832</b>	<b>\$261,951,404</b>	<b>100.00%</b>	<b>\$283,035,774</b>	<b>\$21,084,369</b>	<b>8.05%</b>	<b>100.00%</b>

\* Other includes activities in Automobiles and Undefined Sales.



#### New Items of Note:

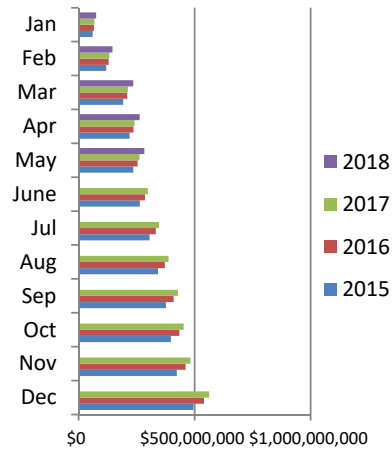
- For the year, net taxable sales are currently ahead of 2017 by 8.05%. However, May net taxable sales are currently behind May 2017 by 7.74%. This is largely due to a one-time large assessment received in May of 2017.
- For May 2018, Construction sales sector was down 49.71% from 2017 due to the timing of an assessment received in May 2017. Fun fact: Did you know that without the assessment received, Construction sales would be up 5.24% as compared to prior year and May 2018 overall sales would be ahead of May 2017 by 4.79%.
- For May 2018, Retail, Grocery/Liquor, Restaurant/Bar & Short Term Lodging sales sectors experienced increases over May 2017.
- For May 2018, Weedtail experienced a slight decline of 0.88% over prior year. This was due to a very slight decrease in sales.
- Disposable Bags distributed experienced an increase of 10.75% over prior year. The increase is being attributed to the Grocery/Liquor & Retail sales sector increases over prior year, 4.96% and 7.83% respectively.

#### Continuing Items of Note:

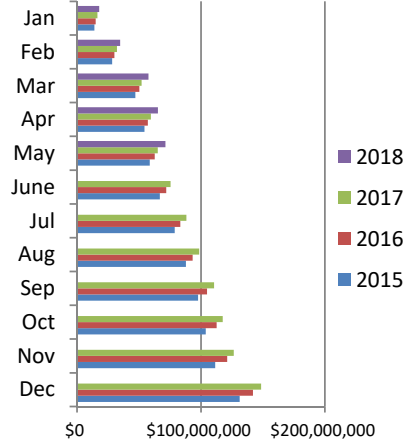
- For the Construction sector in January 2015, a large one-time return was filed in relation to a single project. This was an anomaly that would not be expected to repeat in future years. In January of 2016, there was a large one time assessment impacting the sector.
- As previously noted, the decline in the Utility sector is largely related to the recent decrease in gas and electric billings. This is also due to warming temperatures.
- In 2014, a new category was added to the Sales by Sector pages for the Weedtail sector. The category encompasses all legal marijuana sales, regardless of medical or recreational designation
- A section on Disposable Bag Fees was added in 2014.
- Taxes collected from the customer by the vendor are remitted to the Town on the 20<sup>th</sup> of the following month.
- Quarterly taxes are reported in the last month of the period. For example, taxes collected in the first quarter of the year (January – March), are include on the report for the period of March.
- Net Taxable Sales are continually updated as late tax returns are submitted to the Town of Breckenridge. Therefore, you may notice slight changes in prior months, in addition to the reporting for the current month.
- "Other" sales relate to returns that have yet to be classified. Much of this category will be reclassified to other sectors as more information becomes available.



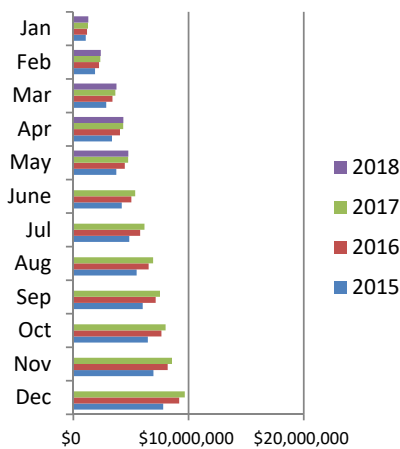
## Net Taxable Sales by Sector - Town of Breckenridge Tax Base



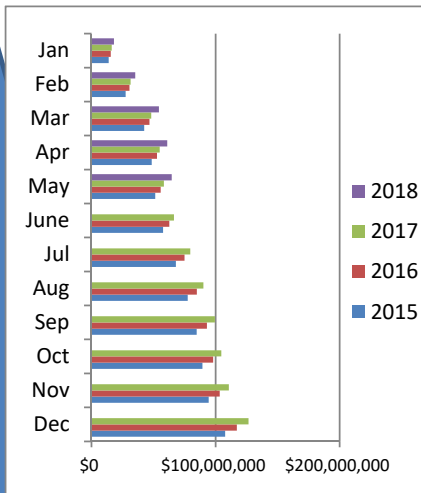
Total Net Taxable Sales					% change
	2015	2016	2017	2018	from PY
Jan	\$60,033,563	\$65,602,886	\$67,746,899	\$75,563,068	11.54%
Feb	\$58,741,575	\$63,824,598	\$64,759,984	\$70,108,456	8.26%
Mar	\$73,118,590	\$79,667,088	\$79,334,006	\$89,788,502	13.18%
Apr	\$27,410,469	\$26,869,536	\$28,621,247	\$27,749,910	-3.04%
May	\$15,658,620	\$17,805,725	\$21,489,268	\$19,825,838	-7.74%
Jun	\$28,739,345	\$31,662,174	\$35,770,089	\$0	n/a
Jul	\$42,074,407	\$46,932,211	\$48,464,213	\$0	n/a
Aug	\$36,563,530	\$39,073,049	\$40,969,514	\$0	n/a
Sep	\$33,499,160	\$37,536,264	\$40,448,992	\$0	n/a
Oct	\$21,554,275	\$24,724,775	\$24,909,456	\$0	n/a
Nov	\$25,412,714	\$26,735,499	\$28,812,922	\$0	n/a
Dec	\$71,683,867	\$79,717,606	\$80,678,986	\$0	n/a
<b>Total</b>	<b>\$494,490,114</b>	<b>\$540,151,410</b>	<b>\$562,005,576</b>	<b>\$283,035,774</b>	



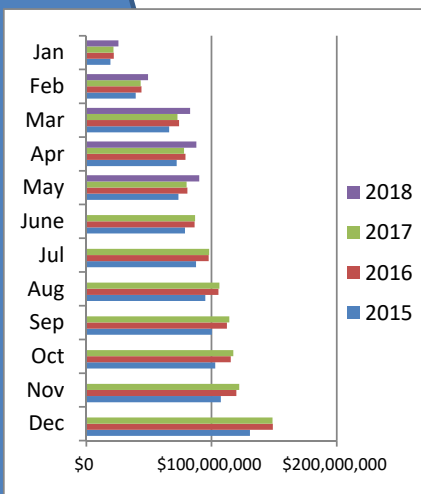
Retail					% change
	2015	2016	2017	2018	from PY
Jan	\$13,998,522	\$14,933,038	\$16,394,664	\$17,783,235	8.47%
Feb	\$14,240,511	\$15,152,255	\$15,695,872	\$16,922,710	7.82%
Mar	\$18,818,841	\$20,122,324	\$19,914,588	\$22,906,257	15.02%
Apr	\$7,281,848	\$6,857,887	\$7,461,841	\$7,613,350	2.03%
May	\$4,302,676	\$5,521,353	\$5,550,000	\$5,984,690	7.83%
Jun	\$8,090,642	\$9,286,221	\$10,428,300	\$0	n/a
Jul	\$11,980,701	\$11,452,735	\$12,720,972	\$0	n/a
Aug	\$9,097,833	\$9,931,109	\$10,336,810	\$0	n/a
Sep	\$9,796,917	\$11,524,136	\$11,974,490	\$0	n/a
Oct	\$6,160,275	\$7,779,902	\$7,020,804	\$0	n/a
Nov	\$7,634,586	\$8,523,532	\$8,898,522	\$0	n/a
Dec	\$19,733,859	\$20,856,785	\$22,031,036	\$0	n/a
<b>Total</b>	<b>\$131,137,212</b>	<b>\$141,941,277</b>	<b>\$148,427,898</b>	<b>\$71,210,242</b>	



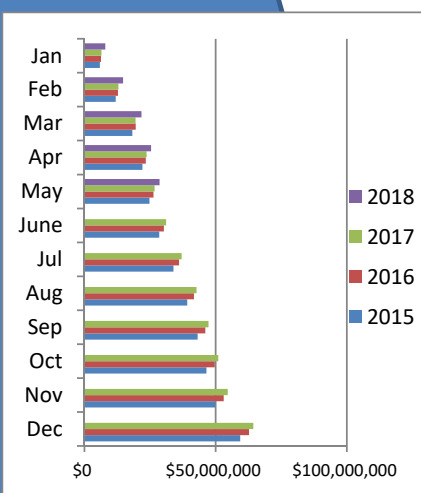
Weedtail					% change
	2015	2016	2017	2018	from PY
Jan	\$1,069,983	\$1,181,014	\$1,263,370	\$1,299,492	2.86%
Feb	\$809,146	\$1,045,184	\$1,076,236	\$1,077,296	0.10%
Mar	\$976,179	\$1,170,045	\$1,300,844	\$1,360,559	4.59%
Apr	\$496,701	\$647,524	\$683,486	\$603,052	-11.77%
May	\$376,877	\$424,305	\$436,712	\$432,876	-0.88%
Jun	\$463,026	\$561,981	\$608,808	\$0	n/a
Jul	\$659,118	\$768,474	\$798,038	\$0	n/a
Aug	\$638,780	\$731,985	\$756,690	\$0	n/a
Sep	\$524,591	\$607,308	\$596,781	\$0	n/a
Oct	\$453,781	\$499,149	\$484,253	\$0	n/a
Nov	\$476,602	\$542,237	\$554,576	\$0	n/a
Dec	\$846,691	\$1,013,140	\$1,112,445	\$0	n/a
<b>Total</b>	<b>\$7,791,474</b>	<b>\$9,192,345</b>	<b>\$9,672,241</b>	<b>\$4,773,275</b>	



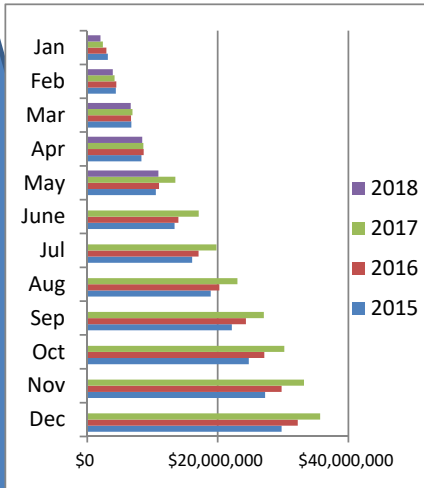
Restaurant / Bar					% change
	2015	2016	2017	2018 from PY	
Jan	\$13,757,283	\$15,420,296	\$16,276,306	\$18,068,488	11.01%
Feb	\$13,618,840	\$15,065,159	\$15,181,858	\$17,063,798	12.40%
Mar	\$15,042,121	\$16,112,662	\$16,595,811	\$19,183,234	15.59%
Apr	\$6,024,685	\$6,064,174	\$6,821,901	\$6,684,362	-2.02%
May	\$2,805,424	\$3,001,520	\$3,448,281	\$3,577,853	3.76%
Jun	\$6,313,126	\$6,963,372	\$8,089,688	\$0	n/a
Jul	\$10,367,272	\$12,231,535	\$13,124,240	\$0	n/a
Aug	\$9,608,649	\$9,947,952	\$10,631,602	\$0	n/a
Sep	\$7,153,442	\$8,109,315	\$9,211,502	\$0	n/a
Oct	\$4,605,454	\$5,123,843	\$5,227,314	\$0	n/a
Nov	\$5,119,695	\$5,290,140	\$6,000,732	\$0	n/a
Dec	\$13,248,488	\$13,796,003	\$15,895,058	\$0	n/a
<b>Total</b>	<b>\$107,664,478</b>	<b>\$117,125,970</b>	<b>\$126,504,293</b>	<b>\$64,577,735</b>	



Short-Term Lodging					% change
	2015	2016	2017	2018 from PY	
Jan	\$19,192,527	\$21,935,475	\$21,587,930	\$25,526,024	18.24%
Feb	\$20,152,677	\$22,070,711	\$21,765,719	\$23,758,704	9.16%
Mar	\$26,780,608	\$30,028,520	\$29,351,859	\$33,616,488	14.53%
Apr	\$5,950,092	\$5,135,347	\$5,326,551	\$4,993,634	-6.25%
May	\$1,386,810	\$1,450,045	\$2,008,110	\$2,224,562	10.78%
Jun	\$5,255,015	\$5,833,385	\$6,816,161	\$0	n/a
Jul	\$8,916,990	\$11,269,330	\$11,177,230	\$0	n/a
Aug	\$7,399,007	\$7,751,976	\$8,260,479	\$0	n/a
Sep	\$5,223,977	\$6,772,116	\$7,912,178	\$0	n/a
Oct	\$2,709,619	\$3,068,724	\$3,202,857	\$0	n/a
Nov	\$4,453,152	\$4,452,572	\$4,645,360	\$0	n/a
Dec	\$23,256,807	\$29,200,658	\$26,607,413	\$0	n/a
<b>Total</b>	<b>\$130,677,280</b>	<b>\$148,968,858</b>	<b>\$148,661,848</b>	<b>\$90,119,411</b>	



Grocery / Liquor					% change
	2015	2016	2017	2018 from PY	
Jan	\$5,825,759	\$6,250,584	\$6,450,303	\$7,922,442	22.82%
Feb	\$6,069,614	\$6,449,794	\$6,475,853	\$6,724,274	3.84%
Mar	\$6,296,838	\$6,769,678	\$6,527,831	\$7,034,396	7.76%
Apr	\$3,836,903	\$3,850,758	\$4,195,465	\$3,660,472	-12.75%
May	\$2,724,433	\$2,928,950	\$3,063,908	\$3,215,753	4.96%
Jun	\$3,735,382	\$3,960,786	\$4,342,262	\$0	n/a
Jul	\$5,388,915	\$5,839,136	\$5,923,764	\$0	n/a
Aug	\$5,231,601	\$5,625,836	\$5,715,123	\$0	n/a
Sep	\$3,997,242	\$4,322,032	\$4,525,953	\$0	n/a
Oct	\$3,344,571	\$3,623,882	\$3,724,937	\$0	n/a
Nov	\$3,375,304	\$3,409,252	\$3,608,668	\$0	n/a
Dec	\$9,500,929	\$9,661,918	\$9,752,150	\$0	n/a
<b>Total</b>	<b>\$59,327,490</b>	<b>\$62,692,608</b>	<b>\$64,306,218</b>	<b>\$28,557,337</b>	

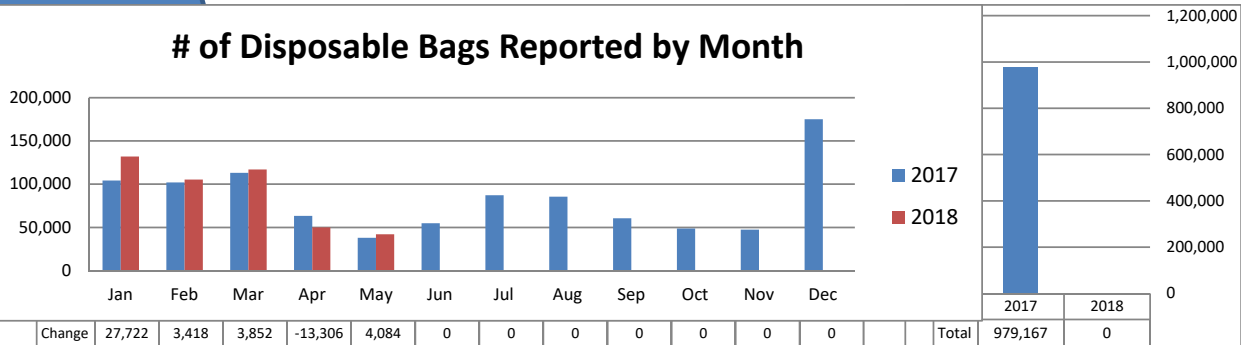


Construction				
	2015	2016	2017	% change 2018 from PY
Jan	\$3,142,768	\$2,930,914	\$2,398,824	\$2,033,286 -15.24%
Feb	\$1,232,799	\$1,520,592	\$1,769,306	\$1,887,086 6.66%
Mar	\$2,385,327	\$2,262,792	\$2,765,004	\$2,731,986 -1.19%
Apr	\$1,539,706	\$1,923,258	\$1,652,902	\$1,768,205 6.98%
May	\$2,193,144	\$2,353,384	\$4,919,462	\$2,473,822 -49.71%
Jun	\$2,870,200	\$2,974,258	\$3,564,860	\$0 n/a
Jul	\$2,698,078	\$3,091,802	\$2,732,756	\$0 n/a
Aug	\$2,841,883	\$3,187,750	\$3,191,971	\$0 n/a
Sep	\$3,248,244	\$4,049,856	\$4,061,746	\$0 n/a
Oct	\$2,604,251	\$2,823,165	\$3,121,078	\$0 n/a
Nov	\$2,500,314	\$2,649,520	\$3,024,568	\$0 n/a
Dec	\$2,508,730	\$2,484,830	\$2,472,912	\$0 n/a
<b>Total</b>	<b>\$29,765,442</b>	<b>\$32,252,122</b>	<b>\$35,675,389</b>	<b>\$10,894,384</b>

### Disposable Bag Fees

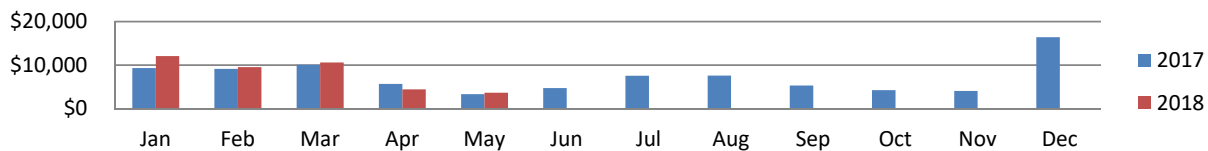
The Town adopted an ordinance April 9, 2013 (effective October 15, 2013) to discourage the use of disposable bags, achieving a goal of the SustainableBreck Plan. The \$.10 fee applies to most plastic and paper bags given out at retail and grocery stores in Breckenridge. The program is intended to encourage the use of reusable bags and discourage the use of disposable bags, thereby furthering the Town's sustainability efforts. Revenues from the fee are used to provide public information about the program and promote the use of reusable bags.

### # of Disposable Bags Reported by Month



### Bag Fees Remitted by Month

*Net of Retained Percentage\**



\*Retailers are permitted to retain 50% of the fee (up to a maximum of \$1000/month through October 31, 2014; changing to a maximum of \$100/month beginning November 1, 2014) in order to offset expenses incurred related to the program. The retained percent may be used by the retail store to provide educational information to customers; provide required signage; train staff; alter infrastructure; fee administration; develop/display informational signage; encourage the use of reusable bags or promote recycling of disposable bags; and improve infrastructure to increase disposable bag recycling.

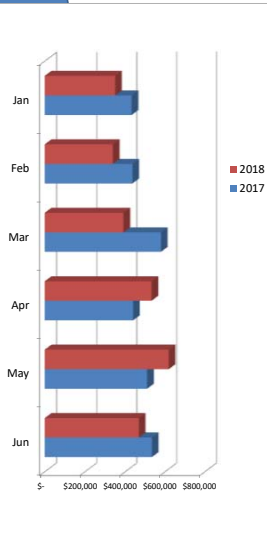
## Real Estate Transfer Tax

### New Items of Note:

- Revenue for the month of June was behind prior year by 12.29%, and ahead of the monthly budget by \$132,639.
- Year to date, revenue is behind prior year by 7.91%, and has surpassed budget by \$600,635.
- Single Family Home sales accounted for the majority of the sales (31.93%), with Timeshares sales in the second position of highest sales (25.61%) subject to the tax. Condominium sales were in third position with sales (25.40%) in sales level for the year.
- June 2018 churn was 0.64% above June 2017.

### Continuing Items of Note:

- 2018 Real Estate Transfer Tax budget is based upon the monthly distribution for 2016.

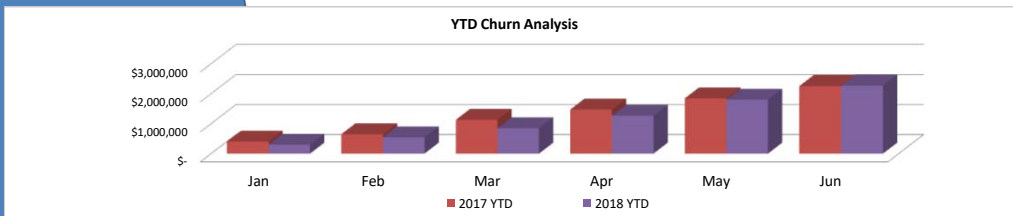


Total RETT						
	2016	2017	2018	% change	2018 budget	+/- Budget
Jan	\$293,839	\$432,417	\$350,102	-19.04%	\$280,375	\$69,726
Feb	\$338,604	\$436,538	\$338,813	-22.39%	\$323,089	\$15,724
Mar	\$407,901	\$579,302	\$391,670	-32.39%	\$389,211	\$2,458
Apr	\$418,228	\$439,375	\$532,220	21.13%	\$399,065	\$133,155
May	\$389,525	\$510,213	\$618,610	21.25%	\$371,678	\$246,932
Jun	\$351,831	\$533,957	\$468,350	-12.29%	\$335,711	\$132,639
Jul	\$363,545	\$533,735	\$163,023	-69.46%	\$346,888	-\$183,865
Aug	\$593,429	\$564,623	\$0	n/a	\$566,238	n/a
Sep	\$551,616	\$478,875	\$0	n/a	\$526,341	n/a
Oct	\$515,748	\$730,352	\$0	n/a	\$492,116	n/a
Nov	\$579,565	\$550,457	\$0	n/a	\$553,010	n/a
Dec	\$436,266	\$400,236	\$0	n/a	\$416,277	n/a
Total	\$5,240,098	\$6,190,080	\$2,862,788		\$5,000,000	

\*July #s are as of 07/16/2018



\* YTD as of June 30th

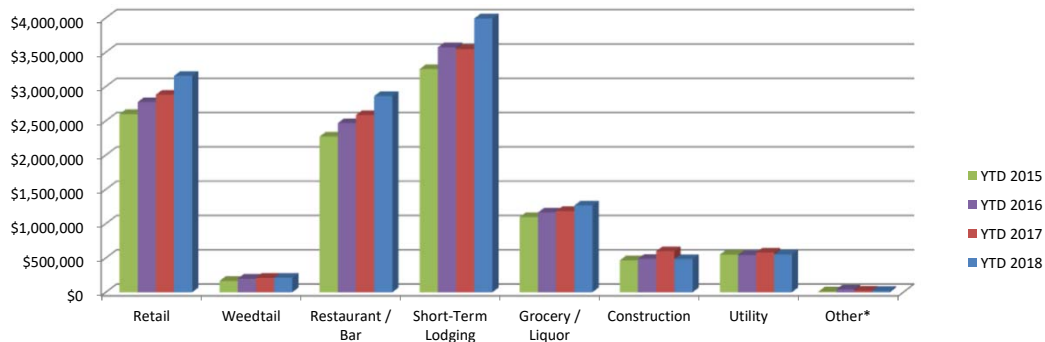
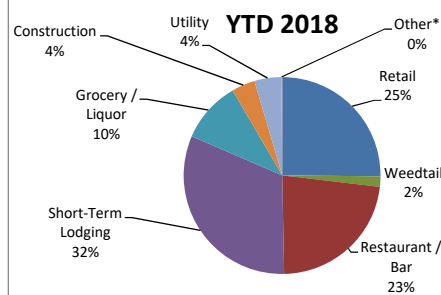
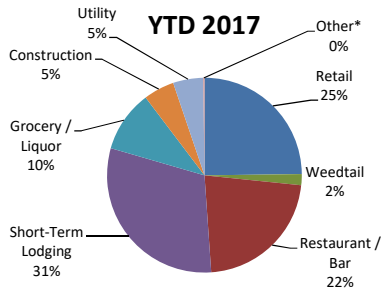


## TAXES DUE - SALES, ACCOMMODATIONS, AND MARIJUANA TAXES

### Tax Due by Industry-YTD

Description	YTD 2015	YTD 2016	YTD 2017	2017		YTD 2018	2017/2018		2018
				% of Total	% of Total		\$ Change	% Change	
Retail	\$2,597,858	\$2,772,598	\$2,880,252	24.82%	25.16%	\$3,154,614	\$274,362	9.53%	25.16%
Weedtail	\$165,190	\$197,936	\$210,897	1.82%	1.69%	\$211,456	\$559	0.27%	1.69%
Restaurant / Bar	\$2,270,302	\$2,465,907	\$2,583,760	22.27%	22.82%	\$2,860,794	\$277,034	10.72%	22.82%
Short-Term Lodging	\$3,254,398	\$3,571,470	\$3,545,779	30.56%	31.84%	\$3,992,290	\$446,510	12.59%	31.84%
Grocery / Liquor	\$1,096,582	\$1,162,865	\$1,183,402	10.20%	10.09%	\$1,265,090	\$81,688	6.90%	10.09%
Construction	\$464,873	\$486,899	\$598,294	5.16%	3.85%	\$482,621	(\$115,672)	-19.33%	3.85%
Utility	\$548,063	\$542,203	\$578,612	4.99%	4.39%	\$551,008	(\$27,604)	-4.77%	4.39%
Other*	\$11,587	\$42,127	\$23,452	0.20%	0.16%	\$20,612	(\$2,840)	-12.11%	0.16%
<b>Total</b>	<b>\$10,408,853</b>	<b>\$11,242,004</b>	<b>\$11,604,447</b>	<b>100.00%</b>	<b>100.00%</b>	<b>\$12,538,485</b>	<b>\$934,038</b>	<b>8.05%</b>	<b>100.00%</b>

\* Other includes activities in Automobiles and Undefined Sales.



#### Items of Note:

- The general sales tax rate includes the 2.5% Town sales tax + 1.93% County sales tax distributed to the Town.
- The Short -Term Lodging sector includes an additional 3.4% accommodation tax.
- Weedtail includes an additional 5% marijuana tax (recreational and medical). The 1.5% distribution from the State is also included in this category. While the State distribution is only due on recreational sales, the majority of weedtail sales are recreational and the distribution has been applied to the entire sector.
- Report assumptions include: applying tax specific to a sector to the entire sector, as well as assuming the same tax base across the State, County, and Town taxes due. As a result, the numbers indicated above are a rough picture of taxes due to the Town and not an exact representation. Additionally, the data is representative of taxes due to the Town and not necessarily taxes collected year to date.

# General Fund Revenues Summary

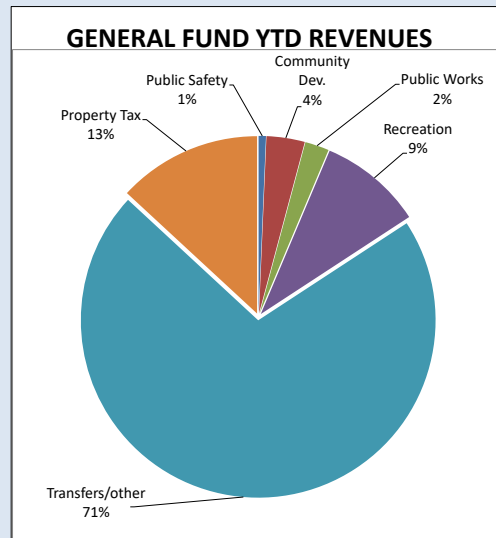
June 30, 2018

These next two pages report on 2018 year-to-date financials for the General Fund. This area contains most "Government Services," such as public works, police, community development, planning, recreation, facilities, and administrative functions.

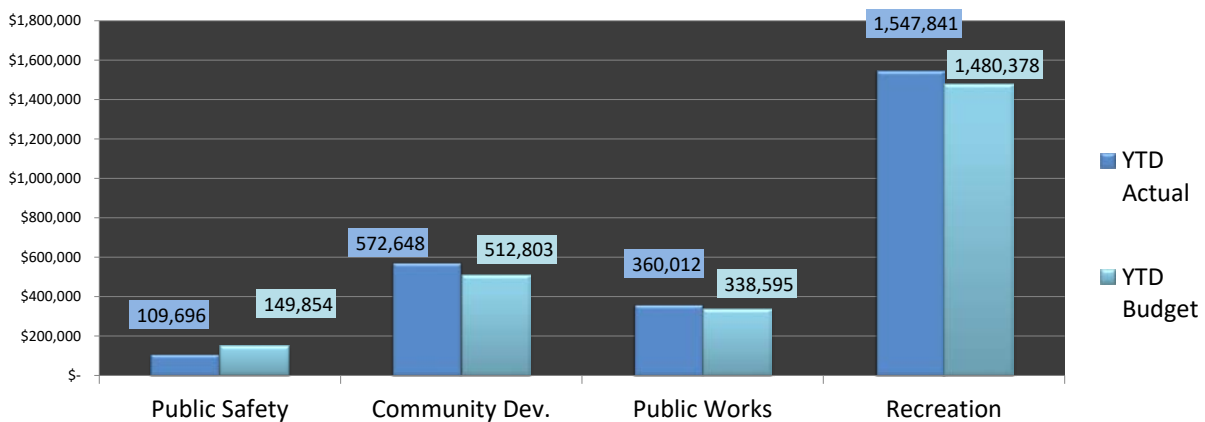
**General Fund Revenue:** At the end of June, the Town's General Fund was at 97.6% of YTD budget (\$16.4M actual vs. \$16.8M budgeted).

Property Tax collections are under budget due to the timing of Summit County collections.

Recreation revenue is up over budget, mostly in pass/admissions related revenue. This may be attributed to the completion of the Recreation Center remodel.



Gen. Fund YTD Revenue Act vs. Bud - by Program



## General Fund Expenditures Summary

June 30, 2018

The General Fund as of June 30, 2018 was at 100.2% of budgeted expense (\$8.20M actual vs. \$8.18M budgeted). The below graphs represent the cost of providing the services contained in this fund (Public Safety, Recreation, Public Works, Community Development, and Administration).

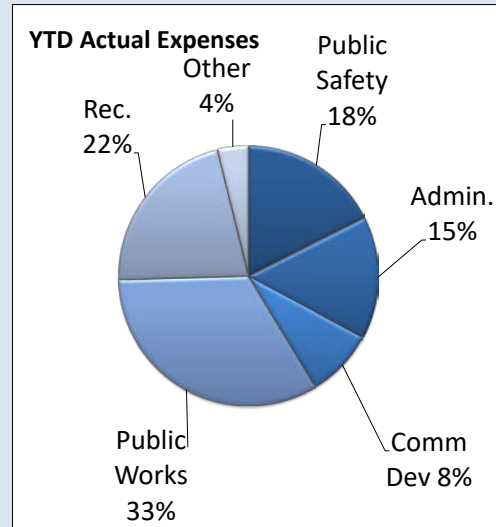
**Variance Explanations:**

Due to the timing of the payroll cycle in 2018, wages are over budget in June, but will even out in the next month. While this affects all departments, it is most evident in Public Works.

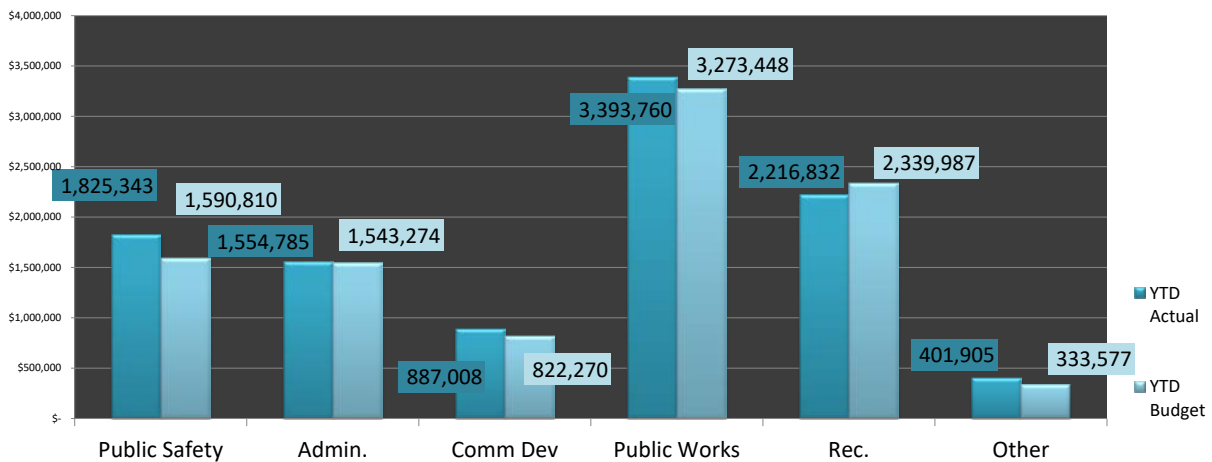
Public Safety is over budget due to the timing of payment to Summit County Communications for 2018. This variance will even out later in the year when the expenditure catches up with the timing of the monthly budget.

Recreation is under budget due to wage savings.

"Other" expenses are over budget due to an unbudgeted solar panel purchase.



**Gen. Fund YTD Expenditures Act. vs. Bud. - by Program**



# Combined Statement of Revenues and Expenditures

## All Funds June 30, 2018

REVENUE	YTD Actual	YTD Budget	% of YTD Bud.	Annual Bud.
<b>General Governmental</b>				
1 Gen/Excise/MMJ/Child Cr/Spec Prj	\$ 20,542,875	\$ 19,259,219	107%	\$ 40,447,482
2 Special Revenue	13,095,943	10,672,412	123%	33,145,596
3 Internal Service	2,485,047	2,350,671	106%	5,518,249
<b>4 Subtotal General Governmental</b>	<b>\$ 36,123,865</b>	<b>\$ 32,282,302</b>	<b>112%</b>	<b>\$ 79,111,327</b>
5 Capital Projects	19,875	26,958	74%	50,000
<b>Enterprise Funds</b>				
6 Utility Fund	2,262,765	55,684,866	4%	58,487,707
7 Golf	858,003	809,730	106%	2,628,335
8 Cemetery	4,000	10,722	37%	21,300
<b>9 Subtotal Enterprise Funds</b>	<b>\$ 3,124,768</b>	<b>\$ 56,505,318</b>	<b>6%</b>	<b>\$ 61,137,342</b>
<b>10 TOTAL REVENUE</b>	<b>39,268,508</b>	<b>88,814,578</b>	<b>44%</b>	<b>140,298,669</b>
11 Internal Transfers	20,527,540	20,324,297	101%	35,490,610
<b>12 TOTAL REVENUE incl. x-fers</b>	<b>\$ 59,796,048</b>	<b>\$ 109,138,875</b>	<b>55%</b>	<b>\$ 175,789,279</b>
<b>EXPENDITURES</b>				
	YTD Actual	YTD Budget	% of Bud.	Annual Bud.
<b>General Governmental</b>				
1 Gen/Excise/MMJ/Child Cr/Spec Prj	\$ 13,255,066	\$ 12,986,202	102%	\$ 26,760,183
2 Special Revenue	12,217,162	11,940,317	102%	29,397,378
3 Internal Service	2,880,736	1,884,083	153%	5,394,787
<b>4 Subtotal General Governmental</b>	<b>\$ 28,352,965</b>	<b>\$ 26,810,602</b>	<b>106%</b>	<b>\$ 61,552,348</b>
5 Capital Projects	4,658,124	4,768,000	98%	4,768,000
<b>Enterprise Funds</b>				
6 Utility Fund	3,659,735	21,527,581	17%	54,430,939
7 Golf	1,705,296	1,587,351	107%	3,147,907
8 Cemetery	0	0	n/a	24,500
<b>9 Subtotal Enterprise Funds</b>	<b>\$ 5,365,031</b>	<b>\$ 23,114,932</b>	<b>23%</b>	<b>\$ 57,603,346</b>
<b>10 TOTAL EXPENDITURES</b>	<b>38,376,119</b>	<b>54,693,534</b>	<b>70%</b>	<b>123,923,694</b>
11 Internal Transfers	20,527,540	20,324,297	101%	35,535,275
<b>12 TOTAL EXPENDITURES incl. x-fers</b>	<b>\$ 58,903,659</b>	<b>\$ 75,017,831</b>	<b>79%</b>	<b>\$ 159,458,969</b>
<b>13 TOTAL REVENUE less EXPEND.</b>	<b>\$ 892,388</b>	<b>\$ 34,121,044</b>	<b>N/A</b>	<b>\$ 16,330,310</b>

**General Governmental Funds** - General, Excise, Child Care, Marijuana and Special Projects

**Special Revenue Funds** - Marketing, Affordable Housing, Open Space, Conservation Trust, and Parking and Transportation

**Internal Service Funds** - Garage, Information Technology (IT), and Facilities



## ALL FUNDS REPORT

June 30, 2018

The YTD breakdown of the revenue/expenses variances is as follows:

### **Governmental Funds:**

#### **General Fund:**

- Revenue:
  - Under budget by \$400K. Please see General Fund Revenue page for more detail.
- Expense:
  - Under budget by \$20k. See General Fund Expense page of this report for more details.

#### **Excise Fund:**

- Revenue:
  - Ahead of budget by \$1.7M - see Executive Summary or Tax Basics for more information.

#### **Capital Fund:**

- Revenue:
  - The Combined Statement does not include transfers (appx. \$4.7M). Revenue is down due to the timing of McCain rent revenue payments.
- Expense:
  - Under budget due to the timing of projects. The annual budget is assigned to January, although projects will occur throughout the year. Supplemental appropriations are also expected to be added to the original budget amount shown in these reports.

#### **Special Revenue Funds:**

- Revenue:
  - Revenue is up from budget due to the timing of sales of Blue 52 units. This will most likely even out later in 2018.
- Expense:
  - Housing Fund is over YTD budget due to the timing of capital projects.

#### **Enterprise Funds:**

##### **Utility:**

- Revenue:
  - The fund is under budget due to the 2017 receipt of new water plant debt proceeds budgeted in 2018. This variance will continue throughout the year.
- Expense:
  - Under budget due to timing of new water plant related expenses.

##### **Golf:**

- Expense:
  - Over budget due to the timing of budgeted building improvements.

#### **Internal Service Funds:**

- Revenue:
  - Over budgeted due to insurance recoveries. This revenue also has related expenses.
- Expense:
  - Over budget due to the timing equipment purchases in the Garage Fund. This should even out with budget later in the year.

### **Fund Descriptions:**

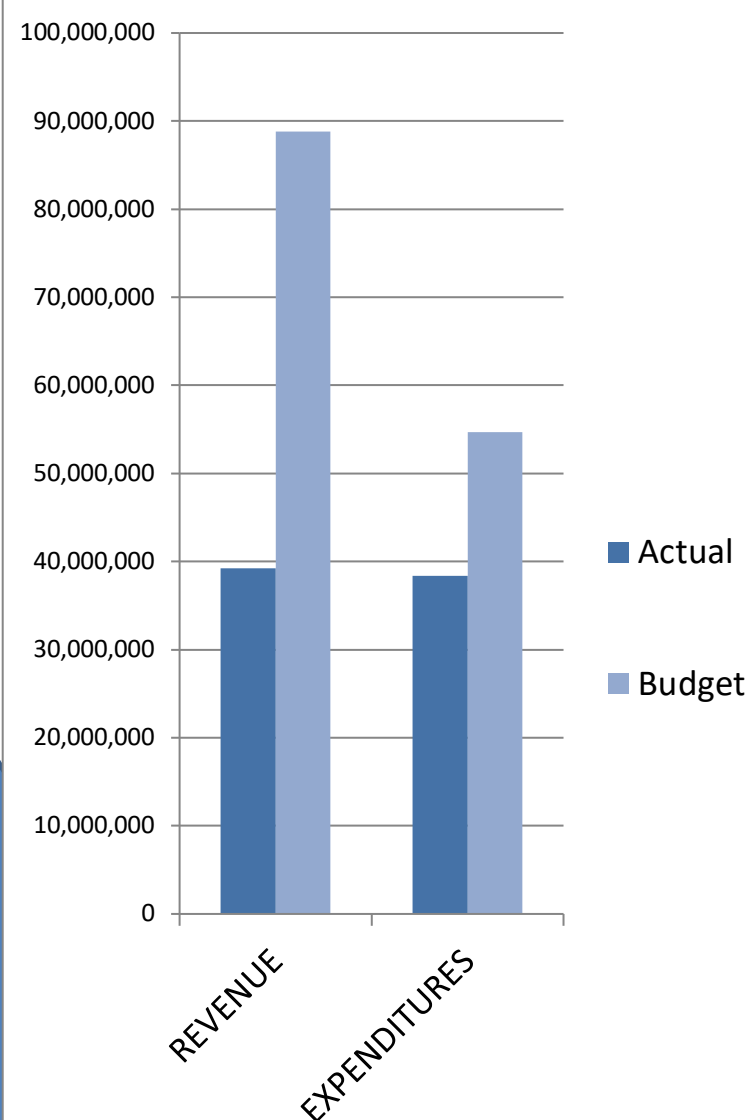
General Governmental - General, Excise, Capital, Special Projects, Child Care, Marijuana

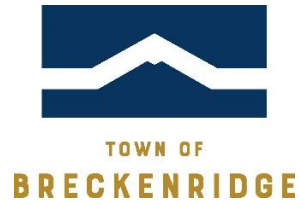
Special Revenue Funds - Marketing, Affordable Housing, Open Space, Conservation Trust, and Parking and Transportation

Enterprise Funds: Golf, Utility, Cemetery

Internal Service Funds - Garage, Information Technology (IT), and Facilities

YTD Actual Revenues and Expenditures vs. Budget





# Memo

**To:** Breckenridge Town Council Members  
**From:** Heather Pezzella, Revenue Services Administrator  
**Date:** 07/24/2018  
**Subject:** Short Term Rentals: Parking, Trash, & Noise Update

---

## Purpose

The purpose of this memo is to explain the attached amendment to our Town Code; specifically the requirements amending special conditions of single family homes to all accommodation units in Town, the requirement of a local agent, and the establishment of an annual accommodation unit administrative fee to offset costs associated with administrative compliance efforts.

## Background

After discussion with Town Council in April, staff has utilized feedback from the retreat to propose changes to accommodation unit rules to help mitigate ongoing concerns of neighborhood impacts and community character. The proposed changes will assist both of these areas, while maintaining a valuable sector in the Town.

## Proposed Revisions

Summarized revisions are as follows:

1. The amendment of the 'accommodation unit' definition to be consistent across Town codes.
2. Requirement of a 'local agent' to respond to all property needs/complaints within 60 minutes, 24 hours per day, and 7 days per week.
3. Newly established annual accommodation unit administrative fee to assist with offsetting the impacts of the short term rental compliance program.
4. Special conditions of licensure to apply to all STR units in Town, not just single family homes:
  - a. Adhere to parking, trash, and noise regulations as outlined in special conditions of licensing.
  - b. Addition of health and safety standards.
  - c. When noncompliance is identified a written warning will first be issued. If a property continues to have violations, a notice of hearing will be mailed by the Town; owners/licensee will be subject to a hearing. Results of a hearing could result in suspension or revocation of license, or administrative fine in lieu of serving suspension.
  - d. Requirement that all local/county taxes and laws are adhered to.

**Other- Additional areas for regulation might include:**

1. Occupancy limits.
2. Revisit discussion of caps on short term rental licenses.
3. Require that all homes are owner occupied or owned for a specific period of time prior to issuing a license.

**Conclusion**

The ordinance will allow the Town, and local agents to more readily respond to parking, trash, noise, and other issues related to short term rentals that impact the community character of Breckenridge. Please note there will also be administrative guidelines to compliment the ordinance.

1 **FOR WORKSESSION – JULY 24**

2  
3 Additions To The Current Breckenridge Town Code Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6 COUNCIL BILL NO. \_\_\_\_\_

7  
8 Series 2018

9  
10 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE  
11 TOWN CODE, KNOWN AS THE TOWN OF BRECKENRIDGE “BUSINESS AND  
12 OCCUPATIONAL LICENSES AND TAX ORDINANCE,” CONCERNING  
13 ACCOMMODATION UNITS; REQUIRING A LOCAL AGENT FOR EACH  
14 ACCOMMODATION UNIT; IMPOSING AN ACCOMMODATION UNIT  
15 ADMINISTRATIVE FEE; MAKING CERTAIN REQUIRED FINDINGS WITH RESPECT TO  
16 SUCH FEE; AUTHORIZING INSPECTIONS OF ACCOMMODATION UNITS; AND  
17 MAKING OTHER AMENDMENTS TO THE BUSINESS AND OCCUPATIONAL  
18 LICENSES AND TAX ORDINANCE

19  
20 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
21 COLORADO:

22  
23 Section 1. The definition of “Accommodation Unit” in Section 4-1-2 of the Breckenridge  
24 Town Code is amended to read as follows:

25  
ACCOMMODATION UNIT: A separate and distinct living units including  
condominium, townhome, house, trailer, studio unit,  
condo-hotel units, or any such other similar unit which is  
rented to any person, who, for consideration, uses,  
possesses or has the right to use or possess such  
accommodation unit for a period of **less than 30**  
**consecutive days** ~~or less~~, regardless of the number of  
days during a license year such unit is rented; **provided,**  
**however, that a “chalet house” as defined in Section 9-**  
**1-5 of this Code shall not be considered to be an**  
**accommodation unit.**

26  
27 Section 2. Section 4-1-2 of the Breckenridge Town Code is amended by the addition of  
28 the following definitions:

29  
**AUTHORIZED**  
**PUBLIC**  
**INSPECTOR:** **With respect to inspections to be conducted pursuant**  
**to Section 4-1-8-1A9 of this Chapter, any employee or**  
**representative of the Town’s Finance Department,**  
**except the Finance Director.**

**LOCAL AGENT:**                    **A management company, rental agent, or individual who is identified by a licensee as the licensee’s local agent pursuant to Section 4-1-8-1A6.**

1  
2            Section 3. The definition of “Single-Family Accommodation Unit” in Section 4-1-2 of  
3 the Breckenridge Town Code is deleted.

4  
5            Section 4. The Title of Section 4-1-4 of the Breckenridge Town Code is amended to read  
6 “Annual License Tax.”

7  
8            Section 5. Chapter 1 of Title 4 of the Breckenridge Town Code is amended by the  
9 addition of a new Section 4-1-4-1, to be entitled “Annual Accommodation Unit Compliance  
10 Fee,” which shall read as follows:

11  
12            **4-1-4-1: ANNUAL ACCOMMODATION UNIT ADMINISTRATIVE FEE:**

13  
14            **A. Commencing with licenses for accommodation units issued for the January 2019**  
15 **licensing period, and continuing each licensing year thereafter, there shall be**  
16 **added to each accommodation unit license issued by the Finance Director**  
17 **pursuant to this Chapter, and there shall be paid by the licensee of such license,**  
18 **an annual accommodation unit administrative fee. The amount of the annual**  
19 **accommodation unit administrative fee shall be:**  
20

<u>Type Of Accommodation Unit</u>	<u>Annual Fee</u>
<u>Studio unit</u>	<u>\$25.00</u>
<u>1 bedroom unit</u>	<u>30.00</u>
<u>2 bedroom unit</u>	<u>35.00</u>
<u>3 bedroom unit</u>	<u>40.00</u>
<u>4 or more bedroom unit</u>	<u>45.00</u>

21  
22            **B. The accommodation unit administrative fee shall be due and payable to the**  
23 **Town at the same time the tax required by Section 4-1-4 is due.**

24  
25            **C. Beginning with the Town’s 2019 fiscal year, the amount of the accommodation**  
26 **unit administrative fee described in this Section shall be fixed by the Town**  
27 **Council as part of its annual budget process. If, for any reason, the amount of**  
28 **such fee is not fixed by the Town Council as part of its annual budget process,**  
29 **the fee for the preceding year shall continue in full force and effect until changed**  
30 **by the Town Council.**  
31

1 D. It is the purpose of this Section to protect the public health, safety, and welfare  
2 by establishing a comprehensive regulatory scheme for the Town that attempts  
3 to address some of the negative impacts associated with the existence of the  
4 numerous accommodation units within the Town, and to relieve Town taxpayers  
5 of the costs that would otherwise be incurred by the Town in providing those  
6 services directly and indirectly related to accommodation units within the Town  
7 as set forth in Section E, below. The identified negative impacts of the numerous  
8 accommodation units within the Town include, but are not limited to a  
9 significant change in the character of the neighborhoods within the Town in  
10 which accommodation units are located, including, but not limited to, significant  
11 impacts on parking, noise, and trash in such neighborhoods.

12  
13 E. Funds collected by the Town from the accommodation unit administrative fee  
14 established by this Section shall be used to defray the reasonable direct and  
15 indirect costs of the following Town services that are related to the identified  
16 negative impacts of accommodation units within the Town described in Section  
17 D, above:

- 18  
19 1. Administrative and personnel costs associated with developing and  
20 implementing the accommodation unit administrative fee;
- 21 2. Costs of acquiring, training staff to use, updating, and replacing software  
22 and other computer programs necessary to monitor the accommodation  
23 units within the Town; and
- 24 3. Costs of enforcing the requirements of this Chapter, including, but not  
25 limited to inspecting accommodation units within the Town.

26  
27 No portion of the accommodation unit administrative fees collected by the Town  
28 shall be used for any purpose other than those purposes enumerated in this  
29 Section E.

30  
31 F. The accommodation unit administrative fee established by this Section is not  
32 designed to raise revenues to defray the general expenses of Town government,  
33 but rather is a charge imposed for the purpose of defraying some of the costs of  
34 the particular Town services and programs described in Section E, above.

35  
36 G. The Finance Director shall establish a method for separately accounting for all  
37 of the accommodation unit administrative fees collected by the Town pursuant  
38 to this Section, and the expenditure of such fees.

39  
40 H. Based on the information that has been provided to the Town Council by the  
41 Finance Director, the accommodation unit administrative fee imposed by this  
42 Section bears a reasonable relationship to the anticipated cost of providing the  
43 Town programs and services described in this Section.

44  
45 Section 6. Section 4-1-5A1 of the Breckenridge Town Code is amended to read as  
46 follows:

1  
2 1. The Finance Director shall issue a license for ~~an single-family~~ accommodation unit  
3 under this Chapter only to the owner of such ~~single-family~~ accommodation unit.  
4

5 Section 7. Section 4-1-8-1 of the Breckenridge Town Code is amended to read as  
6 follows:  
7

8 4-1-8-1: SPECIAL CONDITIONS OF LICENSE; ~~SINGLE-FAMILY~~  
9 ~~ACCOMMODATION UNITS~~ – **ALL ACCOMMODATION UNITS**  
10

11 A. Special Conditions: In addition to the other requirements of this Chapter, the  
12 owner of ~~an single-family~~ accommodation unit licensed pursuant to this Chapter  
13 shall, as a condition of such license, be subject to the following requirements:

14 1. The motor vehicles of all occupants of the ~~single-family~~ accommodation unit shall  
15 be parked only on the site of the ~~single-family~~ accommodation unit, or in a Town  
16 designated parking area located off of the site of the ~~single-family~~ accommodation  
17 unit. No motor vehicles shall be parked on the lawn or landscaped areas of ~~an single-~~  
18 ~~family~~ accommodation unit, or in the public street or right of way adjacent to the  
19 ~~single-family~~ accommodation unit. No person shall be permitted to stay overnight in  
20 any motor vehicle which is parked at ~~an a single-family~~ accommodation unit. Further,  
21 all motor vehicles parked at ~~an a single-family~~ accommodation unit shall comply  
22 with the requirements and be subject to the limitations of Section 9-3-11 of this Code.

23 ~~2. No privately owned, nongovernmental vehicle with a passenger capacity of sixteen~~  
24 ~~(16) persons or more shall be used to transport persons to or from a single-family~~  
25 ~~accommodation unit, or parked upon the premises of a single-family accommodation~~  
26 ~~unit.~~

27 ~~32.~~ The storage and disposal of all trash and garbage from ~~an a single-family~~  
28 accommodation unit shall comply with the requirements of Title 5, Chapter 2 of this  
29 Code.

30 ~~43.~~ While occupying ~~an a single-family~~ accommodation unit, no person shall: a)  
31 make, cause or control unreasonable noise upon the ~~single-family~~ accommodation  
32 unit which is audible upon a private premises that such occupant has no right to  
33 occupy in violation of Subsections ~~6-3C-1A2~~ of this Code, or b) violate Title 5,  
34 Chapter 8 of this Code.

35 ~~54.~~ No ~~single-family~~ accommodation unit shall be operated in such a manner as to  
36 constitute a nuisance pursuant to Title 5, Chapter 1 of this Code.

37 ~~65.~~ The licensee shall provide to the Finance Director the name, address and  
38 telephone number of any current management company, rental agency or other person  
39 employed or engaged by the licensee to advertise the accommodation unit for rent, or  
40 to remit any required tax to the Town. It shall be the duty of the licensee to update

1 such information throughout the term of the license so that the Finance Director  
2 always has the correct and current information.

3 ~~76. At the time of the issuance of the license the licensee shall **also** provide to the~~  
4 ~~Finance Director the name, address and telephone number of a local **agent** contact~~  
5 ~~person who is authorized by the licensee to receive communications from the Town~~  
6 ~~concerning the single-family accommodation unit, **and who agrees in writing to**~~  
7 ~~**comply with the requirements of Subsection A7.** The local contact person may be a~~  
8 ~~management company, rental agent or other person employed or engaged by the~~  
9 ~~licensee to manage, rent or supervise the single-family accommodation unit. The~~  
10 ~~local contact person shall maintain a residence or permanent place of business within~~  
11 ~~the Town. **The local agent may be the same person designed by licensee pursuant**~~  
12 ~~**to Subsection A5.** The designated local **agent** contact person may be changed by the~~  
13 ~~licensee from time to time throughout the term of the license. To effect such change,~~  
14 ~~the licensee shall notify the Finance Director of the change in writing and shall, at the~~  
15 ~~same time, provide the Finance Director with the name, address and telephone~~  
16 ~~number of the licensee's replacement contact person. Any replacement contact person~~  
17 ~~shall meet the requirements of this Subsection A7.~~

18 **7. A licensee's local agent, or such person's employee or designee, shall be**  
19 **available twenty four (24) hours per day, seven (7) days per week, to respond to**  
20 **any complaint filed with or through the Town, or a website provided by the**  
21 **Town for such purpose, about the operation or condition of the licensee's**  
22 **accommodation unit. Such local agent shall respond to a complaint within a sixty**  
23 **(60) minute of receiving notice of such complaint. The local agent's failure to**  
24 **respond to a complaint as required by this Section is chargeable to the Owner**  
25 **pursuant to Subsection B of this Section.**

26 **8. Each accommodation unit shall comply with all of the following minimum**  
27 **health and safety standards at all times while the property is being occupied:**

28 **a. The applicable requirements of the Town's building and technical codes**  
29 **adopted by reference in Title 8, Chapter 1 of this Code;**

30 **b. The applicable requirements of any other ordinance, rule, or administrative**  
31 **regulation of the Town;**

32 **c. The terms and conditions of any development permit issued to the licensee**  
33 **with respect to the accommodation unit;**

34 **d. Smoke detectors, carbon monoxide detectors, and fire extinguishers shall be**  
35 **installed in the accommodation unit and shall be operable at all times; and**

36 **e. Wood-burning fireplaces and stoves in the accommodation unit shall be**  
37 **cleaned on an annual basis.**

38 **9. Because accommodation units are, by their nature, intended to be occupied**  
39 **by numerous guests for short periods of occupancy, it is determined that the**



1 Town's ability to inspect accommodation units is in the interest of public safety.  
2 Therefore, whenever it is necessary or desirable to make an inspection to enforce  
3 the special requirements of this Subsection A, an authorized public inspector  
4 may enter such accommodation unit at all reasonable times to inspect the same  
5 for the purpose of enforcing such special conditions. Provided, that if such  
6 accommodation unit is occupied, the authorized public inspector shall first  
7 present proper credentials and request entry, and if such accommodation unit is  
8 unoccupied, shall first make a reasonable effort to locate the owner or other  
9 person having charge or control of the accommodation unit and request entry. If  
10 such entry is refused, or if the accommodation unit is locked, the authorized  
11 public inspector shall have recourse to every remedy provided by law to secure  
12 entry. When an authorized public inspector has obtained a proper inspection  
13 warrant or other remedy provided by law to secure entry, no owner, occupant,  
14 or any other persons having charge, care, or control of any accommodation unit  
15 shall fail or refuse, after proper request is made as herein provided, to promptly  
16 permit entry therein by the authorized public inspector for the purpose of  
17 inspection of the accommodation unit. No inspection warrant or permission shall  
18 be required for an authorized public inspector to enter and inspect an  
19 accommodation unit in the case of an emergency involving the potential loss of  
20 property or human life.

21 10. The municipal court judge may issue an inspection warrant authorizing the  
22 inspection of an accommodation unit pursuant to this Section in accordance with  
23 rule 241(b) of the Colorado municipal court rules of procedure. Any inspection  
24 warrant issued pursuant to this Section shall fully comply with the applicable  
25 provisions of rule 241 of the Colorado municipal court rules of procedure. The  
26 municipal judge may impose such conditions on an inspection warrant as may  
27 be necessary in the judge's opinion to protect the private property rights of the  
28 owner of the accommodation unit to be inspected, or to otherwise make the  
29 warrant comply with applicable law.

30 11. Each accommodation unit licensee shall collect and remit to the appropriate  
31 taxing authority all taxes due with respect to the licensee's accommodation unit.

32 B. Owner Liable: Compliance with the special conditions set forth in Subsection A of  
33 this Section shall be the nondelegable responsibility of the owner of an ~~a single-~~  
34 ~~family~~ accommodation unit; and each owner of an ~~a single-~~ ~~family~~ accommodation  
35 unit shall be strictly liable for complying with the conditions set forth in  
36 Subsection A of this Section.

37 C. Licensee To Receive Special Conditions: At the time of the issuance of a license,  
38 the Finance Director shall provide the licensee with a copy of the special  
39 conditions set forth in Subsection A of this Section.

40 D. Licensee To Post License And Special Conditions: The licensee shall post a copy  
41 of the license and the special conditions set forth in Subsection A of this Section ~~in~~  
42 ~~a conspicuous location in~~ within five (5) feet of the main entrance of the single-

1           ~~family~~ accommodation unit. The license and the special conditions shall remain  
2 continuously posted in the ~~single-family~~ accommodation unit throughout the term  
3 of the license.

4           E. Licensee To Provide Management Company With Special Conditions: The  
5 licensee shall provide any management company, rental agency or other person  
6 employed or engaged by the licensee to manage, rent or supervise the ~~single-~~  
7 ~~family~~ accommodation unit with a copy of the special conditions set forth in  
8 Subsection A of this Section.

9           F. Revocation Or Suspension Of License: The failure of the licensee of an ~~a single-~~  
10 ~~family~~ accommodation unit to comply with the special conditions set forth in  
11 Subsection A of this Section shall constitute grounds for the suspension or  
12 revocation of the license. Any action to suspend or revoke the license shall be  
13 conducted by the Finance Director in accordance with Section 4-1-10-1 of this  
14 Chapter.

15  
16           Before an action is commenced to suspend or revoke a license for an ~~a single-~~  
17 ~~family~~ accommodation unit, the Finance Director shall first provide the licensee  
18 with a written warning that an apparent violation of the special conditions of  
19 Subsection A of this Section has occurred, and the licensee shall be given a  
20 reasonable opportunity to cure such apparent violation. A copy of such warning  
21 notice shall also be sent to any management company, rental agency or other  
22 person employed or engaged by the licensee to manage, rent or supervise the  
23 licensed premises who has been properly identified by the licensee pursuant to  
24 Subsection A ~~6-5~~ of this Section and to the local ~~contact person~~ agent identified by  
25 the licensee pursuant to Subsection A ~~7-6~~ of this Section. Not more than one written  
26 warning shall be required to be sent during the term of each license.

27           Section 8. Section 4-1-10A3 of the Breckenridge Town Code is amended to read as  
28 follows:

29  
30           3. Promulgate and enforce all reasonable rules and regulations necessary to the  
31 operations and enforcement of this chapter. Such administrative rules and regulations  
32 shall be adopted in accordance with the procedures established by title 1, chapter 18 of  
33 this Code. A violation of the administrative rules and regulations issued by the Finance  
34 Director pursuant to the authority granted by this Section shall be a misdemeanor  
35 municipal offense and may be enforced by appropriate action in the Town's Municipal  
36 Court.

37           Section 9. The introductory portion of Section 4-1-10-1D of the Breckenridge Town  
38 Code is amended to read as follows:

39  
40           D. If the Finance Director determines after a hearing that cause exists for the  
41 imposition of a sanction against a licensee of an ~~a single-family~~ accommodation unit  
42 pursuant to Section 4-1-8-1 of this Chapter, the Finance Director shall impose the  
43 following sanction against the licensee:

1        Section 10. Section 4-1-10B of the Breckenridge Town Code is amended to read as  
2 follows:

3  
4        B. Notice of a hearing to be held pursuant to this chapter shall be given by the  
5 Finance Director in writing to the licensee at the address shown on the license  
6 application, the management company, rental agency or other person employed or  
7 engaged by the licensee to manage, rent or supervise the licensed premises who  
8 has been properly identified by the licensee pursuant to subsection 4-1-8-1A65 of  
9 this chapter, and to the local contact person identified by the licensee pursuant to  
10 subsection 4-1-8-1A7 of this chapter. Such notice shall set forth the grounds for  
11 the hearing, and the time and place of the hearing. Such notice shall be mailed to  
12 the licensee, the management company, rental agency or other person employed  
13 or engaged by the licensee to manage, rent or supervise the licensed premises who  
14 has been properly identified by the licensee pursuant to subsection 4-1-8-1A65 of  
15 this chapter, and to the local ~~contact person~~ agent identified by the licensee  
16 pursuant to subsection 4-1-8-1A76 of this chapter, postage prepaid, at least twenty  
17 (20) days prior to the date set for the hearing. At the hearing the licensee may  
18 appear with or without counsel and present such evidence as may be relevant.  
19

20        Section 11. Section 4-1-10F of the Breckenridge Town Code is amended to read as  
21 follows:

22  
23        F. If the Finance Director suspends or revokes a business and occupational tax  
24 license, the aggrieved licensee may appeal said suspension or revocation to the Town  
25 Council by filing a letter of appeal with the Town manager within twenty (20) days  
26 after the date of mailing of the Finance Director's order of suspension or revocation.  
27 The Finance Director's suspension or revocation of the license shall be stayed until  
28 the appeal has been determined by the Town Council. The Town Council shall  
29 conduct a de novo hearing on the appeal at a regular or special Town Council meeting  
30 held within thirty (30) days of date of the filing of the letter of appeal, unless the  
31 licensee agrees to a longer time. Notice of the de novo hearing shall be given to the  
32 licensee by the Finance Director at least twenty (20) days before the hearing. The  
33 burden of proof in the appeal shall be on the Town. At the appeal, the licensee may  
34 appear with or without counsel and present such evidence as may be relevant. The  
35 strict rules of evidence shall not apply to the de novo hearing. If the Town Council  
36 finds by a preponderance of the evidence that grounds for suspension or revocation of  
37 the license exist as specified in this Chapter, the Town Council may order the license  
38 suspended or revoked; provided, however, that if the license is for an ~~a single family~~  
39 accommodation unit, the Town Council shall adhere to the provisions of Subsection  
40 D of this Section. If the Town Council finds by a preponderance of the evidence that  
41 no grounds exist for the suspension or revocation of the license, the appeal shall be  
42 sustained, and the Finance Director's order of suspension or revocation shall be set  
43 aside. The Town Council's decision shall be final, subject to the right of the licensee  
44 to contest the matter in an appropriate court action commenced under rule 106(a)(4)  
45 of the Colorado rules of civil procedure. For purposes of determining the time limit  
46 for the commencement of an action under rule 106(a)(4) of the Colorado rules of civil

1 procedure, the Town Council's decision shall be deemed to be final upon the  
2 Council's issuance of a written order of suspension or revocation of a license.

3 Section 12. Section 4-1-10-1A of the Breckenridge Town Code is amended to read as  
4 follows:

5  
6 A. A license issued pursuant to this chapter may be revoked by the finance director  
7 after hearing for the following reasons:

8 1. Fraud, misrepresentation or a false statement of material fact contained in the  
9 license application;

10 **2. The failure or refusal of an owner of an accommodation unit to permit**  
11 **inspection of the owner's accommodation unit by an authorized public inspector**  
12 **as required by Section 4-1-8-1;**

13 3. Any violation of the provisions of this chapter; or

14 4. As to any person required to have a town sales tax license pursuant to title 3,  
15 chapter 1 of this code, proof that such license has been revoked by the finance  
16 director in accordance with Section 3-1-26 of this code.

17  
18 In connection with the suspension of a license, the finance director may impose  
19 reasonable conditions.

20 Section 13. Except as specifically amended by this ordinance, the Breckenridge Town  
21 Code, and the various secondary Codes adopted by reference therein, shall continue in full force  
22 and effect.

23  
24 Section 14. The Town Council finds, determines, and declares that it has the power to  
25 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX  
26 of the Colorado Constitution. And, particularly, Section 12.1 of the Breckenridge Town Charter.

27  
28 Section 15. This ordinance shall be published and become effective as provided by  
29 Section 5.9 of the Breckenridge Town Charter.

30  
31 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
32 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2018. A Public Hearing shall be held at the  
33 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
34 \_\_\_\_\_, 2018, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
35 Town.

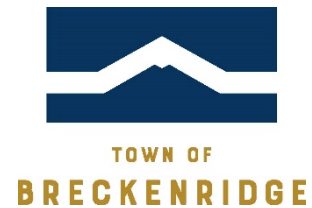
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37 TOWN OF BRECKENRIDGE, a Colorado  
38 municipal corporation  
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By: \_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_  
Helen Cospolich  
Town Clerk

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# Memo

To: Breckenridge Town Council Members  
From: Shannon Haynes, Assistant Town Manager  
Date: 7/19/2018  
Subject: Breckenridge Events Committee Status

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The Breckenridge Events Committee is the primary point of contact for the evaluation of potential events in Breckenridge. Prospective events are appraised based on their ability to accomplish established strategies that include: driving visitation, media, branding, animation/local community, and revenue, while also taking into consideration the cost (including resources) and how the event will be received by residents and businesses.

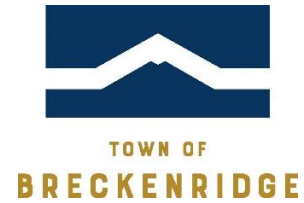
The committee is currently comprised of a committee chair and committee members. The membership includes individuals from:

- Breckenridge Tourism Office
- Town Council Representative
- Town Staff member
- Breckenridge Ski Resort
- Breckenridge Grant Vacations
- Beaver Run
- Main Street Station
- The Village
- Breckenridge Arts Coalition
- Breckenridge Creative Arts

Dick Carleton is currently the committee chairperson. However, with his appointment to Town Council the committee is searching for a replacement. The committee has discussed the process for filling this important position and the fact that the committee is not a formal council advisory group.

Given the committee's current responsibilities including: their role in providing guidance and direction on prospective events, the ability of the committee and the Special Event Permitting group to deny a permit application, and current concerns related to the number, types, and impacts of events, the committee would like to ask council to consider passing a resolution that would formalize their role as a temporary Council advisory group (similar to Child Care). This action would provide additional structure to the group and ensure Council approval of members (including the chairperson).

If Council would like to consider a resolution, staff will provide a draft for review and action on August 14<sup>th</sup>. I will be available to answer questions at the work session on July 24<sup>th</sup>.



# Memo

To: Town Council  
From: Julia Puester, AICP, Planning Manager  
Date: 7/18/2018  
Subject: Administrative Rules and Regulations for the Town of Breckenridge Development Code and Subdivision Standards

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The Administrative Rules and Regulations of the Development Code and Subdivision Standards (Rules) are utilized daily by the Community Development Department for the purpose of project management and reviews.

The last update to the Rules was approved in 2013. Since then, a new Class D major classification and Development Agreement ordinance have been adopted which is reflected in the changes proposed as well as some additional clarification throughout the document shown in strike and bold.

Staff requests that the Town Council review the attached Administrative Rules and Regulations at the work session. An ordinance or resolution is not required.

If the Town Council finds the attached modifications acceptable, the revised Rules will go into effect on August 7<sup>th</sup>, two weeks after Town Council's review of the Rules. Staff will also have the Rules available of the Town website.





preceding the Planning Commission meeting at which such application is to be reviewed. If a complete application, including all required submittal materials, is not received by the Director by such date and time, the application shall not be scheduled for the Planning Commission meeting.

5.2 For good cause shown, the Director may shorten or lengthen the normal fifty (50) day review schedule for the initial review of any development permit application. ~~If the normal fifty (50) day review schedule is lengthened, the Director shall promptly notify the applicant in writing of the reasons for such action.~~ **If the normal review schedule is altered for a particular application, the Director shall notify the applicant of the revised review schedule which will apply to the applicant's development permit application.**

5.3 The initial submission of a development permit application shall be processed by the staff substantially in accordance with the applicable chart set forth in Rule 6.

5.4 The second and each subsequent development permit application which is submitted for the same project shall be processed by the staff in accordance with the applicable chart set forth in Rule 6. However, the review schedule for such applications may be shortened by the Director to a time period less than fifty (50) days if Director determines that a shorter review schedule is appropriate for such application taking into consideration all relevant factors, including, without limitation: (i) the nature and complexity of the project which is the subject of the application; (ii) the nature and extent of the previous Planning Commission comments concerning the project which is the subject of the application; and (iii) the nature and extent of any revisions to the application and related submittal materials requested by the Planning Commission at any prior hearing(s) on the application. If the normal review schedule is altered for a particular application, the Director shall notify the applicant of the revised review schedule which will apply to the applicant's project **application.**

5.5 Applicants should be aware that the establishment of a review schedule for a development permit application does not necessarily mean that the application will be heard by the Planning Commission on day "zero" of the chart which is contained in Rule 6. Development permit applications are scheduled for presentation to the Planning Commission based on the availability of adequate time on the Planning Commission's agenda. A completed development permit application will be scheduled for presentation to the Planning Commission at the first available Planning Commission meeting. **A scheduled hearing may be continued (postponed) by the Director if for good cause as described in the Planning Commission's Rules of Procedure.**

5.6 This Rule applies to development permit applications submitted under both the Development Code and the Subdivision Standards.

**6. Chart of Critical Dates and Events for Class A and B Applications Under the Development Code and Class A and B Applications Under the Subdivision Standards:**

The following chart describes the events and deadlines that would typically apply to the processing of Class A and Class B development permit application under the Development Code,

and Class A and Class B subdivision permit application under the Subdivision Standards. The chart reflects events and deadlines that would generally apply each time an application is to be reviewed by the Planning Commission. However, applicants should note that the review schedule for an application may be shortened for the second and each subsequent submittal of the same development permit application (see Rule 5.4).

50M	<ul style="list-style-type: none"> <li>• Applicant submits application (by 9:00 A.M.)*</li> <li>• Staff checks application for completeness; staff advises applicant that application is complete and has been accepted for processing</li> <li>• Staff schedules application for Planning Commission meeting</li> <li>• Staff routes application to referral agencies</li> </ul>
49T	Staff reviews application/plans
48W	Staff reviews application/plans
47 <sup>th</sup> <u>Th</u>	Staff reviews application/plans
46F	Staff reviews application/plans
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43M	Staff reviews application/plans and writes comments
42T	Staff reviews application/plans and write comments
41W	Staff reviews application/plans and write comments
40Th	Staff reviews application/plans and write comments
39F	Staff reviews application/plans and write comments
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36M	Staff meets with applicant to review comments
35T	Applicant makes revisions to application

34W	Applicant makes revisions to application
33 Th	Applicant makes revisions to application
32F	Applicant makes revisions to application
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29M	<ul style="list-style-type: none"> <li>• Applicant's revisions due</li> <li>• Route to referral agencies</li> <li>• Staff reviews applicant's revisions</li> </ul>
28T	Staff reviews applicant's revisions
27W	Staff reviews applicant's revisions
26 Th	Staff reviews applicant's revisions
25F	<ul style="list-style-type: none"> <li>• Staff reviews applicant's revisions</li> <li>• Comments of referral agencies due</li> </ul>
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22M	Staff prepares draft staff report
21T	Staff prepares draft staff report
20W	Staff prepares draft staff report
19Th	Staff prepares draft staff report
18F	Staff prepares draft staff report
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15M	Staff prepares draft staff report

14T	Staff prepares draft staff report
13W	Staff prepares draft staff report
12Th	<ul style="list-style-type: none"> <li>• <del>Public Notice for Planning Commission meeting (mailings sent, property posted and information to newspaper)</del></li> <li>• Staff prepares draft staff report</li> </ul>
11F	<ul style="list-style-type: none"> <li>• Staff prepares draft staff report</li> <li>• <b><u>Public Notice for Planning Commission meeting (mailings sent, property posted and information to newspaper)</u></b></li> </ul>
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8M	Staff prepares draft staff report
7Tu	<b><u>Staff reviews their own draft staff report</u></b>
6W	<b><u>Draft staff report due by 9 am</u></b>
5Th	<ul style="list-style-type: none"> <li>• <b><u>Copy of draft staff report provided to applicant after having been reviewed by the key members of the staff</u></b></li> <li>• Revise draft staff report; staff <b><u>reviews</u></b>/accepts applicant comments on draft staff report</li> </ul>
4F	<ul style="list-style-type: none"> <li>• Final staff report <b><u>due-complete</u></b></li> <li>• Agenda packets printed and distributed</li> </ul>
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1M	
0T	Planning Commission meeting

\* All Preliminary Applications must be preceded by a Pre-Application meeting with Town Planning Staff. (Ord. 7, Series 1993)

**MANDATORY STEPS**

**POTENTIAL ADDITIONAL STEPS**

**T.C. CONSENT CALENDAR:**

**After the Planning Commission has made a decision on the application, the application shall be forwarded to the Town Council for its review and final action. If the Town Council does not call up the Planning Commission's action, the Planning Commission's decision on the application is final.**

**T.C. CALL UP VOTE:**

**The Town Council may vote to call up the action of the Planning Commission and hold its own de novo hearing on the application.**

**T.C. HEARING:**

**If the Planning Commission decision on a Class A or Class B development permit application is called up by the Town Council, the Council must hold its call up hearing at the Council's next regular meeting after the call up is made, and a decision must be made within 60 days from the date of the call up. For Class A and B subdivision applications, the Council's call up hearing must be held within 30 days from the date of the call up, and a decision must be made within 60 days from the date of the call up. The decision of the Council shall be final.**

**DEVELOPMENT PERMIT ISSUANCE:**

**Within ~~21~~ 22 days of approval of an application by the Town Council, the Town shall issue a development permit for the project.**

**7. Chart of Class C Subdivision Permit Process. The following chart describes the events and deadlines that would typically apply to the processing of a Class C Development Permit application under the Subdivision Chapter of the Development Code:**

**MANDATORY STEPS \_\_\_\_\_ ADDITIONAL STEPS-IF APPEALED**

**PRE-APPLICATION CONFERENCE:**

**The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the requirements of the Development Code Subdivision Standards, and to identify those policies which are relevant to the project.**

**APPLICATION:**

**The application can be filed at any time, but will not be scheduled for the next Planning Commission meeting unless filed by 9 A.M. 20 days prior to the Planning Commission meeting.**

**PUBLIC NOTICE:**

**Public notice shall be sent out at least 11 days prior to the Director's decision date.**

**DECISION:**

**The Director shall make a decision within 21 days of receipt of a complete application. The decision may be to approve, approve with conditions, or deny the application and decision forwarded to the Planning Commission for information only.**

**APPEAL:**

**The applicant may appeal the decision of the Director within 5 days of the decision. If appealed, the application shall then be processed as a Class B Subdivision and follow the Class B Subdivision process. If not appealed, the decision of the Director is final.**

**DEVELOPMENT PERMIT ISSUANCE:**

**Within 20 days of approval of an application by the Director or Town Council, the Town shall issue a development permit for the project.**

**Because the review for Class C Subdivision Permit applications are staff level, the staff report concerning such application may not have a written staff report.**

8. **Chart of Class C Development Permit Process.** The following chart describes the events and deadlines that would typically apply to the processing of a Class C Development Permit application under the Development Code:

**MANDATORY STEPS**

**POTENTIAL ADDITIONAL STEPS**

**PRE-APPLICATION CONFERENCE:**

The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the requirements of the Development Code, and to identify those policies which are relevant to the project.

**APPLICATION:**

The application can be filed at any time, but will not be scheduled for the next Planning Commission meeting unless filed by 9 A.M. ~~fourteen~~ ~~twenty two~~ 22 days prior to the Planning Commission meeting.

**DECISION:**

The Director shall make a decision within ~~14~~ 22 days of receipt of a complete application. The decision may be to approve, approve with conditions, or deny the application.

**P.C. CONSENT CALENDAR:**

The Director shall forward the decision on the application to the Planning Commission at its next regularly scheduled meeting. If not called

up by the Planning Commission, the Director's decision shall stand.

**P.C. CALL UP & HEARING:**

If the decision of the Director is called up by the Planning Commission, the Commission shall then review the project in greater detail, and make the final decision. The ~~P.C.~~ **Planning Commission** may review the application at the meeting in which it was presented, or may continue it for up to 21 days.

**T.C. CONSENT CALENDAR:**

After the Planning Commission has finished with the application (either by taking no action or calling the Director's decision up and making the decision on the application itself), the application shall be forwarded to the Town Council for its review and final action. If the Town Council does not call up the Planning Commission's action, the Planning Commission's decision on the application is final.

**T.C. CALL UP VOTE:**

The Town Council may vote to call up the action of the Planning Commission and hold its own de novo hearing on the application.

**T.C. HEARING:**

If the Planning Commission or Director's decision **on a Class C development permit application** is called up by the Town Council, the Council must hold its **call up** hearing **sat its next regular meeting after the call up is made,** and a decision on the application **must be made** within 45 days from the date of the call up. The decision of the Council shall be final.

**DEVELOPMENT PERMIT ISSUANCE:**



Within 21 days of approval of an application by the Town Council, the Town shall issue a development permit for the project.

Because of the shortened review schedule for Class C Development Permit applications, the staff report concerning such application may not be provided to the applicant until the Friday preceding the Planning Commission or Town Council hearing at which the application will be discussed.

**9. Chart of Class D Major Development Permit Process. The following chart describes the events and deadlines that would typically apply to the processing of a Class D Major Development Permit application under the Development Code:**

<b><u>MANDATORY STEPS</u></b>	<b><u>ADDITIONAL STEPS-IF APPEALED</u></b>
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**PRE-APPLICATION CONFERENCE:**

**The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the requirements of the Development Code, and to identify those policies which are relevant to the project.**

**APPLICATION:**

**The application can be filed at any time.**

**DECISION:**

**The Director shall make a decision within 22 days of receipt of a complete application. The decision may be to approve, approve with conditions, or deny the application. The Director shall indicate the decision on the application and return it to the applicant.**

**APPEAL:**

**The applicant may appeal the decision of the Director within 5 days of the decision. If appealed, the applicant shall pay the appropriate fee and the application shall then be processed as a Class C. If not appealed, the decision of the Director is final.**

**P.C. APPEAL HEARING**

**If the decision of the Director is appealed, it automatically is treated as a Class C application and is reviewed by the Planning Commission using the Class C process (see chart in Rule 8).**

**DEVELOPMENT PERMIT ISSUANCE:**

**Within 7 days of approval of an application by the Director, the Town shall issue a development permit for the project.**

Because Class D Development Permit applications are initially processed by staff only, there is no staff report prepared with respect to such applications. However, if a Class D application is called up heard as a Class C application by the Planning Commission, staff will provide the applicant with a copy of any draft staff report concerning the application not later than the Friday preceding the Planning Commission hearing at which the application will be discussed.

10. **Chart of Class D Minor Development Permit Process.** The following chart describes the events and deadlines that would typically apply to the processing of a Class D **Minor** Development Permit application under the Development Code:

**MANDATORY STEPS**

**ADDITIONAL STEPS – IF APPEALED**

**PRE-APPLICATION CONFERENCE:**

**A pre-application conference may be required by staff for some applications.** The purpose of this conference is to acquaint the Town with the applicant’s intentions, to acquaint the applicant with the requirements of the Development Code, and to identify those policies which are relevant to the project.

### **APPLICATION:**

The application can be filed at any time.

### **DECISION:**

The Director shall make a decision within 7 days of receipt of a complete application. The decision may be to approve, approve with conditions, or deny the application. The Director shall indicate the decision on the application and return it to the applicant. ~~The Director shall forward the decision on the application to the Planning Commission for the Commission's information only.~~

### **APPEAL:**

The applicant may appeal the decision of the Director within 5 days of the decision. If appealed, the applicant shall pay the appropriate fee and the application shall then be processed as a Class C. If not appealed, the decision of the Director is final.

### **P.C. APPEAL HEARING**

If the decision of the Director is appealed, it automatically is treated as a Class C application and is reviewed by the Planning Commission using the Class C process (see chart in Rule 7 8).

Because Class D Minor Development Permit applications are initially processed by staff only, there is no staff report prepared with respect to such applications. ~~However, if a Class D application is called up and heard as a Class C application by the Planning Commission, staff will provide the applicant with a copy of any draft staff report concerning the application not later than the Friday preceding the Planning Commission hearing at which the application will be discussed.~~

**11. Chart of Development Agreement Process. The following chart describes the events and deadlines that would typically apply to the processing of a Development Agreement application under Chapter 9, Title 9 of the Town Code:**

**MANDATORY STEPS**

**POTENTIAL ADDITIONAL STEPS**

**PRE-APPLICATION CONFERENCE:**

**The purpose of this conference is to acquaint the Town with the applicant's intentions, to acquaint the applicant with the requirements of the Development Code, and to identify those policies which are relevant to the application.**

**APPLICATION:**

**The application can be filed at any time.**

**WORK SESSION:**

**The application will be scheduled for a work session a minimum of 30 days after a complete submittal and no later than 60 days.**

**FIRST READING:**

**Town Council shall hold a first reading, if supported at work session.**

**PUBLIC NOTICE:**

**Public notice shall be sent out at least 11 days prior to the second reading at the Town Council meeting.**

**SECOND READING:**

**Town Council shall hold a second reading, if supported at first reading. If approved on second reading, the ordinance becomes effective approximately 36 days after final Council approval.**

12. **Conflict Between Charts and Text of Ordinances.** The charts set forth above are presented as a brief summary of the applicable procedures which are to be followed under the Development Code or the Subdivision Standards. **The charts are only a summary of the applicable process and there may be other additional steps required or taken for a particular application.** If there is any conflict between a chart and the text of either the Development Code or the Subdivision Standards, the text of the ordinance shall control.

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Peter Grosshuesch, Director  
Department of Community Development  
Town of Breckenridge, Colorado



# Memo

To: Breckenridge Town Council Members  
From: Jeremy Lott, AICP, Planner II  
Date: 7/18/2018 (For July 24, 2018 Meeting)  
Subject: Town Project: Breckenridge Transit Bus Storage

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The Breckenridge Transit Bus Storage is being reviewed as a Town Project. All public noticing requirements for the approval of a Town Project have been fulfilled as required under the adopted Town Projects Ordinance amendment (by Council Bill No. 1, Series 2013).

The proposal is to construct a 5,000 sq. ft. structure with six bay bus electric bus storage and additional equipment storage.

The Planning Commission held a hearing on July 17<sup>th</sup> in which the Planning Commission recommended the Town Council approve the project (with a vote of 7-0). There was no public comment.

Attached to this memo is a complete staff report, substantially the same as presented to the Planning Commission and attachments including site plan and point analysis with a passing score of positive three (+3) point and findings.

If the Council agrees with the Planning Commission's recommendation, a motion for approval is provided below.

*I make a motion to approve the Breckenridge Transit Bus Storage, located at 1095 Airport Road, PL-2018-0211, with a passing point analysis of positive three (+3) points and the attached Findings and Conditions.*

Staff will be available at the meeting to answer any questions.

## Town Council Staff Report

**Subject:** Breckenridge Transit Bus Storage  
(Town Project Hearing – PL-2018-0211)

**Proposal:** To construct a 5,000 sq. ft. structure with six bay bus storage and additional equipment storage.

**Date:** July 18, 2018

**Project Manager:** Jeremy Lott, AICP, Planner II

**Applicant/Owner:** Town of Breckenridge-Shannon Smith, Town Engineer

**Address:** 1095 Airport Road

**Legal Description:** Block 1, Breckenridge Airport Subdivision Amended Replat

**Land Use District:** 31: Commercial, Industrial, Public Open Space  
1:4 FAR/20 UPA Residential

**Site Area:** Approximately 2.93 acres (127,630 square feet)

**Site Conditions:** The proposed building is on the site of the existing public works facility. It will be between two existing buildings, towards the northern end of the property. The site is generally flat with the exception of a large, landscaped berm, which runs along Airport Road and helps to screen the property from the Right-of-Way. There is a 10' snowstack easement along Airport Road and various other utility easements across other portions of the property, which are not near the site of the proposed building. Two sheds and a greenhouse are located behind this structure and are to remain.

**Adjacent Uses:** North: Breckenridge Terrace Apartments  
South: Public Works facilities and Valley Brook Cemetery  
East: Upper Blue Elementary school and Valley Brook Townhomes  
West: Vacant, Town owned property

**Setbacks:** Required: 1 ft.

North: 25 ft.  
West: 85 ft.  
East: 47 ft.  
South: 260 ft.



Existing landscaping along Airport Road



**Item History**

The administration building on this site was constructed in 2012 and another transit maintenance and bus storage building was constructed in 2006. There are several other buildings and improvements that have been added throughout the years on the property. As the Transit Fleet is growing, there is a need for an expanded storage area for buses. This facility will house electric buses and has been sized to allow them to be charged when not in use. It will also allow for some additional indoor storage on the site.

**Policy Review**

**Land Use (Policies 2/A & 2/R):** The LUD lists Public Facilities as an allowed use. The proposed use is consistent with the other Public Works Facility buildings of vehicle storage and maintenance. The Planning Commission has no concerns.

**Site and Environmental Design (7/R):** The property is relatively flat and minimal grading will occur as a result of this project. No trees or landscaping are being removed. As this building is internal to the large site on the north side, there will be little visibility of the building from the adjacent properties or right of way.



**Architectural Compatibility (5/A & 5/R):** The building is proposed to have no natural materials. The façade is all metal with a flat roof and is similar to the other structures on the property. Some of the buildings on-site did not go through the planning process when they were initially constructed so there was no analysis on proposed materials. Many of the buildings are similar in nature to the proposed structure and also have no natural materials. This building is not excessively dissimilar with other structures on the property, but since it has non-natural materials in excess of 25% per elevation, negative six (-6) points are warranted.

Recent past precedent cases for use of non-natural materials include:

- Denison Placer Phase 1, PL-2017-0014, 107 Denison Placer Road, (-6 points) Natural materials not present on each elevation-primary materials cementitious siding.
- Recreation Center Expansion and Tennis Center, PL-2017-004, 857 Airport Road, (-6 points) All non-natural materials.
- Breckenridge Parking Structure, PL-2017-0607, 150 W. Adams Avenue, (-6 points) All non-natural materials.

Colors will match other buildings on the property and include “Buckskin” (a darker beige) for the body color of the building and “Aged Bronze” (brown) for the trim and fascia (see plans for colors). These colors are natural tones and are consistent with other structures on the site. The roof will be a dark brown color to match the other flat roofs on the site.

**Building Height (Policy 6/A & 6/R):** The plans show the structure as being 15’9” in height however the architect has indicated that the structure will be increasing by 1’ to better accommodate the buses. The new height will be 16’9” and is under the height of 35 feet recommended in the LUD. The length of the long, unbroken ridgeline is 100 feet due to the design of the building. The building is designed to accommodate large electric buses for storage and charging – so the building is utilitarian in nature and does not need to be architecturally unique. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. Since long, unbroken ridgelines, fifty feet (50’) or longer are discouraged, the Planning Commission has allocated negative one (-1) point.

**Social Community (Policy 24/A & 24/R): Social Community (24/A & 24/R):**

3 (0/+2)	xB.	Community Needs: Developments which address specific needs of the community which have been identified in the yearly goals and objectives reports within the three (3) year period preceding the date of the application are encouraged. Positive points shall be awarded under this subsection only for development activities which occur on the applicant's property. (Ord. 1, Series 2014)
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The 2018 Council Goals include:

*GOAL: Establish a plan for adding electric buses to the FreeRide Fleet.*

This project helps to further the goal of providing additional electric buses to the transit fleet and recommends positive six (+6) points under this policy for achieving this goal.

**Transit (25/R):** This project is providing storage and serves as the charging station for 6 new electric FreeRide buses. This policy encourages the *inclusion of or the contribution to a permanent non-auto transit system, designed to facilitate the movement of persons to and from Breckenridge or within the town. Nonauto transit system elements include buses and bus stops, both public and private, for the*

*purpose of providing access to all parts of town. Positive points shall be awarded under this policy only for the inclusion of or the contribution to non-auto transit system elements.*

The Planning Commission recommends positive four (+4) points for the contribution to non-auto transit system elements as the proposed facility is allowing for the Transit Department to increase the number and frequency of public transit utilized throughout Town.

**Drainage (27/A & 27/R):** Drainage will be directed towards the southwest corner of the building and will be accommodated using a new drywell, the details of which will be determined with final engineering plans.

**Access / Circulation (16/A & 16/R; 17/A & 17/R):** The proposed building does not interfere with or change access for the property and has been sited to allow for safe bus access and egress. Vehicles will still be able to navigate through the site. The building is situated to allow access to the sheds and greenhouse behind it. The Planning Commission had no concerns.

**Parking (18/A & 18/R):** This facility will allow the Town to provide six additional electric buses for public transportation. No parking is being removed from the site. There is existing parking on site for employees.

**Landscaping (22/A & 22/R):** There is an existing berm on the property, along Airport Road. This berm has several large trees and provides screening from the right-of-way. No additional trees or landscaping is proposed. The Planning Commission had no concerns.

**External Lighting (Section 9-12):** All lighting fixtures are to be compliant with the Town lighting standards.

**Point Analysis (Section: 9-1-17-3):** All Absolute policies are being met. The Planning Commission recommends negative six (-6) points under Policy 5A – Architectural Compatibility, negative one (-1) point under Policy 6R – Building Height, positive six (+6) points under Policy 24R – Social Community, and positive four (+4) points under Policy 25R – Transit for a passing point analysis of positive three (+3) points.

### **Planning Commission Recommendation**

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013).

At the July 17 meeting, staff presented the project to the Planning Commission and recommended that it be forwarded to Town Council with a passing point analysis of positive three (+3) points. The Planning Commission supported the staff recommendation (with a vote of 7-0) that the Town Council approve the Breckenridge Transit Bus Storage, PL-2018-0211, located at 1095 Airport Road with a passing point analysis of positive three (+3) points and the attached Findings.

### **Recommended Town Council Motion:**

I make a motion to approve the Breckenridge Transit Bus Storage, located at 1095 Airport Road, PL-2018-0211 with a passing point analysis of positive three (+3) points and the attached Findings.

## TOWN OF BRECKENRIDGE

**Breckenridge Transit Bus Storage  
Block 1, Breckenridge Airport Subdivision Amended Replat  
1095 Airport Road  
PL-2018-0211**

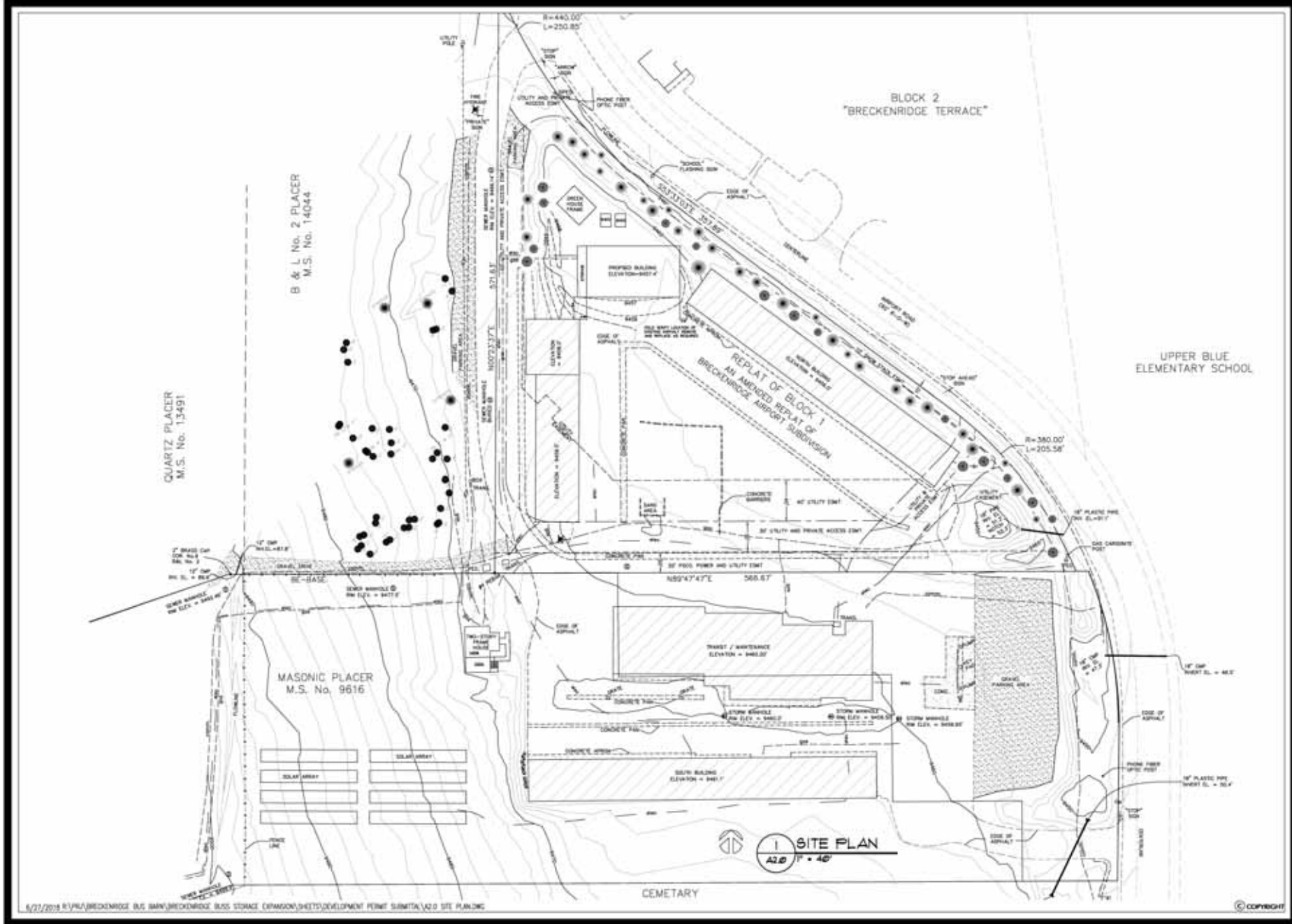
### FINDINGS

1. This project is “Town Project” as defined in Section 9-4-1 of the Breckenridge Town Code because it involves the planning and design of a public project.
2. The process for the review and approval of a Town Project as described in Section 9-14-4 of the Breckenridge Town Code was followed in connection with the approval of this Town Project.
3. The Planning Commission reviewed and considered this Town Project on July 17, 2018. In connection with its review of this Town Project, the Planning Commission scheduled and held a public hearing on July 17, 2018, notice of which was published on the Town’s website for at least five (5) days prior to the hearing as required by Section 9-14-4(2) of the Breckenridge Town Code. At the conclusion of its public hearing, the Planning Commission recommended approval of this Town Project to the Town Council.
4. The Town Council’s final decision with respect to this Town Project was made at the regular meeting of the Town Council that was held on July 24, 2018. This Town Project was listed on the Town Council’s agenda for the July 24, 2018 agenda that was posted in advance of the meeting on the Town’s website. Before making its final decision with respect to this Town Project, the Town Council accepted and considered any public comment that was offered.
5. Before approving this Town Project the Town Council received from the Director of the Department of Community Development, and gave due consideration to, a point analysis for the Town Project in the same manner as a point analysis is prepared for a final hearing on a Class A development permit application under the Town’s Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code).
6. The Town Council finds and determines that the Town Project is necessary or advisable for the public good, and that the Town Project shall be undertaken by the Town.
7. The Town of Breckenridge shall underground the overhead electric utility line on the property when the property has been identified for utility undergrounding as part of the Town’s ongoing Overall Utility Undergrounding project.

<b>Town Project Hearing Impact Analysis</b>				
Project:	Breckenridge Transit Bus Storage	<b>Positive</b>	<b>Points</b>	<b>+10</b>
PL:	PL-2018-0211			
Date:	7/17/2018	<b>Negative</b>	<b>Points</b>	<b>- 7</b>
Staff:	Jeremy Lott			
		<b>Total</b>	<b>Allocation:</b>	<b>+3</b>
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
<b>1/A</b>	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
<b>2/A</b>	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		Compatible use for Public Works Facility
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
<b>3/A</b>	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
<b>5/A</b>	<b>Architectural Compatibility</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)	- 6	100% non-natural materials
<b>6/A</b>	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		Building is 15'9"
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)	- 1	Roof Ridge over 50 feet in length
	For all Single Family and Duplex/Multi-family Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		Screening from right-of-way
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
<b>8/A</b>	<b>Ridgeline and Hillside Development</b>	Complies		
<b>9/A</b>	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		Meets minimum
<b>12/A</b>	<b>Signs</b>	Complies		
<b>13/A</b>	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
<b>14/A</b>	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
<b>15/A</b>	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
<b>16/A</b>	<b>Internal Circulation</b>	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
<b>17/A</b>	<b>External Circulation</b>	Complies		
<b>18/A</b>	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		

<b>19/A</b>	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
<b>22/A</b>	<b>Landscaping</b>	Complies		
22/R	Landscaping	2x(-1/+3)		
<b>24/A</b>	<b>Social Community</b>	Complies		
24/A	Social Community / Above Ground Density 12 UPA	(-3>-18)		
24/A	Social Community / Above Ground Density 10 UPA	(-3>-6)		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)	+6	Meets Council Goal of expanding the Town's electric bus fleet
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
5/R	Social Community - Conservation District	3x(-5/0)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Primary Structures - Historic Preservation/Restoration - Benefit	+1/3/6/9/12		
24/R	Social Community - Secondary Structures - Historic Preservation/Restoration - Benefit	+1/2/3		
24/R	Social Community - Moving Primary Structures	-3/10/15		
24/R	Social Community - Moving Secondary Structures	-3/10/15		
24/R	Social Community - Changing Orientation Primary Structures	-10		
24/R	Social Community - Changing Orientation Secondary Structures	-2		
24/R	Social Community - Returning Structures To Their Historic Location	+2 or +5		
25/R	Transit	4x(-2/+2)	+4	Facility built to accommodate the Town's expanding public transportation (Contribution to nonauto transit system)
<b>26/A</b>	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
<b>27/A</b>	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
<b>28/A</b>	<b>Utilities - Power lines</b>	Complies		
<b>29/A</b>	<b>Construction Activities</b>	Complies		
<b>30/A</b>	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
<b>31/A</b>	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
<b>32/A</b>	<b>Water Conservation</b>	Complies		
<b>33/R</b>	<b>Energy Conservation</b>			
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
<b>34/A</b>	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
<b>35/A</b>	<b>Subdivision</b>	Complies		
<b>36/A</b>	<b>Temporary Structures</b>	Complies		

<b>37/A</b>	<b>Special Areas</b>	Complies		
37/R	Special Areas - Community Entrance	4x(-2/0)		
37/R	Special Areas - Individual Sites	3x(-2/+2)		
37/R	Special Areas - Blue River	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
<b>38/A</b>	<b>Home Occupation</b>	Complies		
<b>38.5/A</b>	<b>Home Childcare Businesses</b>	Complies		
<b>39/A</b>	<b>Master Plan</b>	Complies		
<b>40/A</b>	<b>Chalet House</b>	Complies		
<b>41/A</b>	<b>Satellite Earth Station Antennas</b>	Complies		
<b>42/A</b>	<b>Exterior Loudspeakers</b>	Complies		
<b>43/A</b>	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
<b>44/A</b>	<b>Radio Broadcasts</b>	Complies		
<b>45/A</b>	<b>Special Commercial Events</b>	Complies		
<b>46/A</b>	<b>Exterior Lighting</b>	Complies		
<b>47/A</b>	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
<b>48/A</b>	<b>Voluntary Defensible Space</b>	Complies		
<b>49/A</b>	<b>Vendor Carts</b>	Complies		
<b>50/A</b>	<b>Wireless Communications Facilities</b>	Complies		



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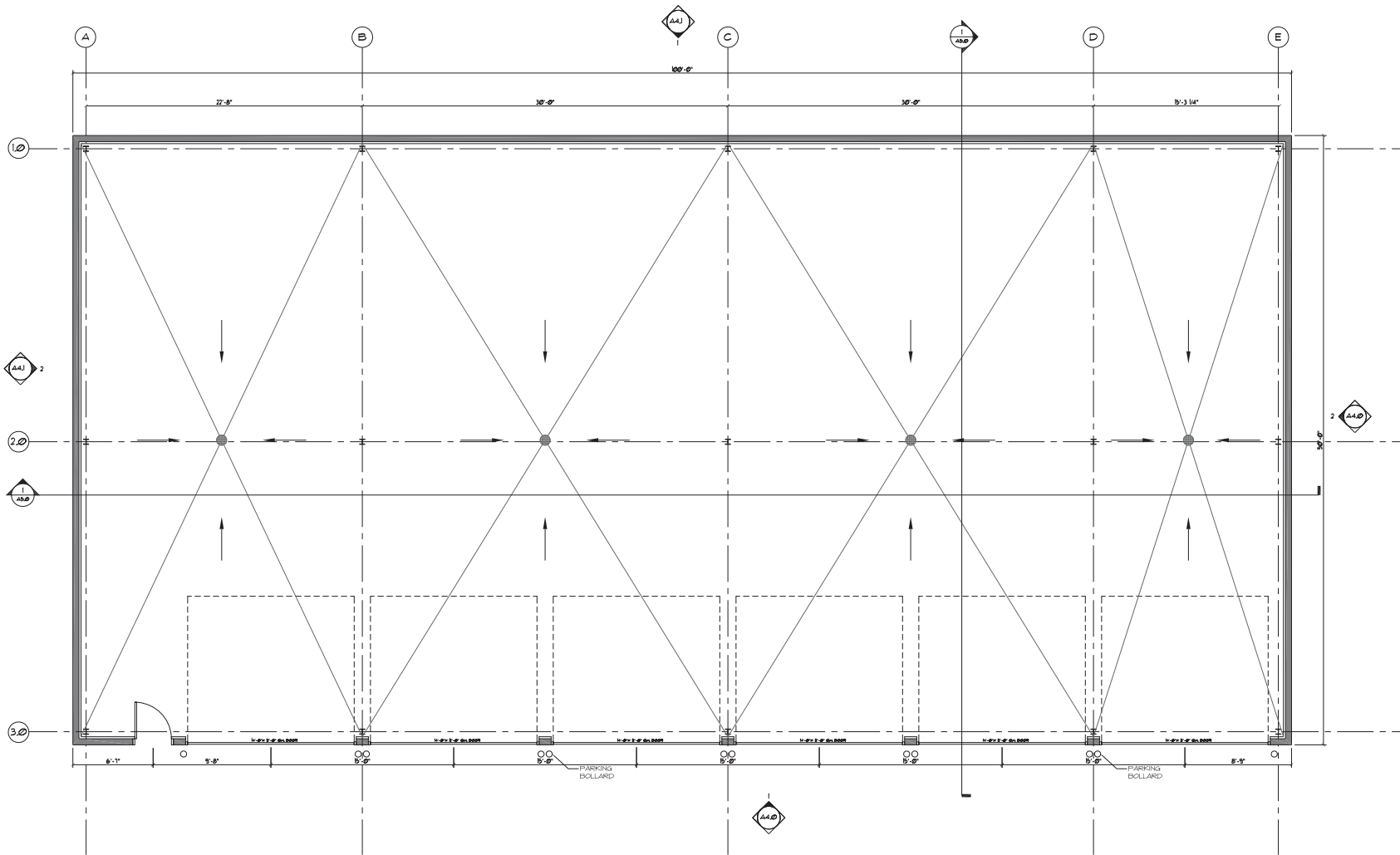
**BRECKENRIDGE TRANSIT BUS STORAGE**  
1095 AIRPORT ROAD  
BRECKENRIDGE, COLORADO 80424

Revisions:

PROGRESS SET	122.11	9.29.18
	9.29.18	6.4.18
	6.27.18	

Date: 11/9/17  
Project No: 2771600  
Drawn by: CRH  
Checked by: KAO

**A2.0**  
SITE PLAN



1 PROPOSED LEVEL PLAN  
A3.0 1/4" = 1'-0"

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**BRECKENRIDGE TRANSIT BUS STORAGE**  
1095 AIRPORT ROAD  
BRECKENRIDGE, COLORADO 80424

Revisions:

PROGRESS SET	
11/22/17	5.25.18
5.29.18	6.4.18

Date: 11/9/17

Project No: 269100

Drawn by: CRH

Checked by: KAO

**A3.0**  
FLOOR PLAN

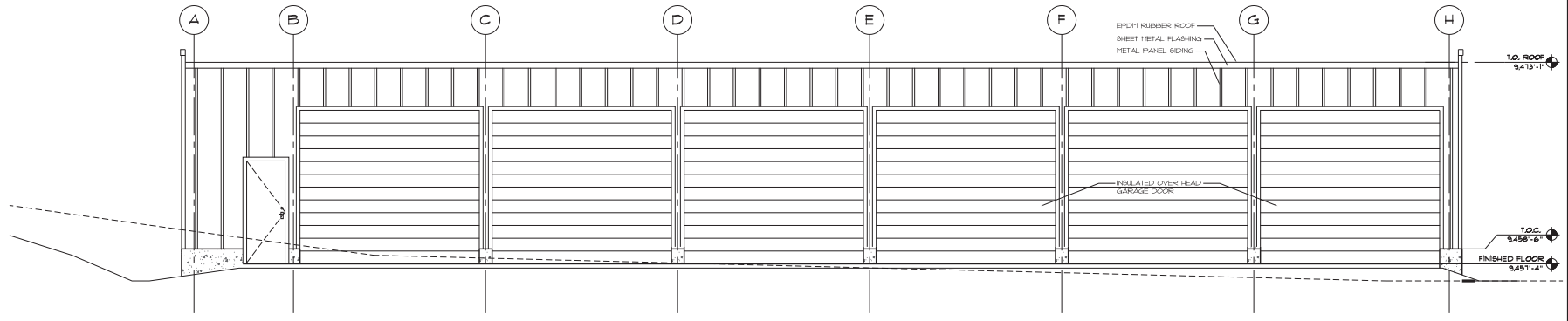




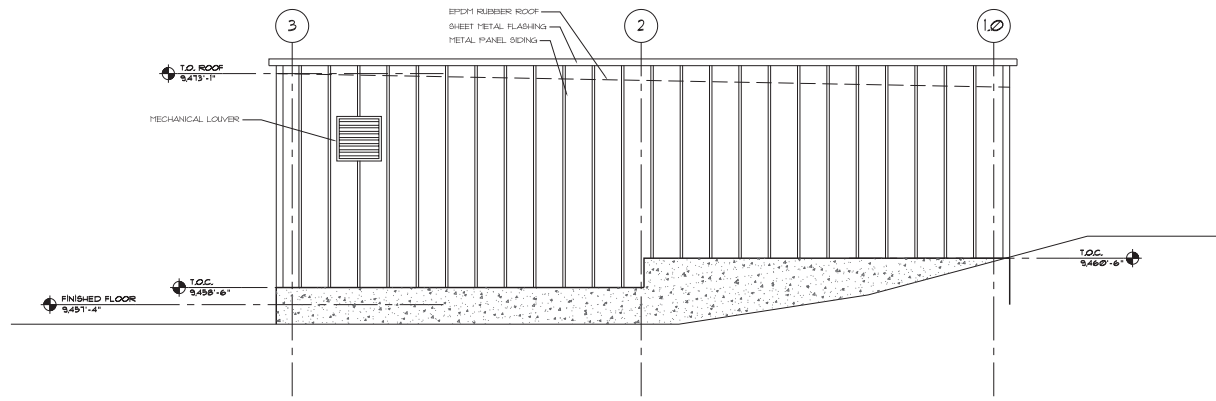
Revisions:

PROGRESS SET	
11/22/17	5/25/18
5/29/18	6/1/18

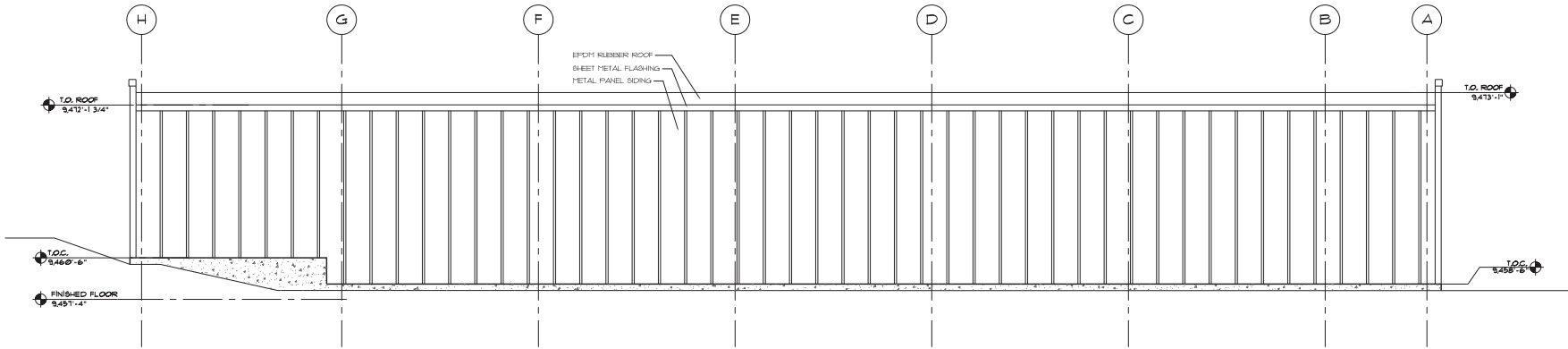
Date:	11/9/17
Project No:	269100
Drawn by:	CRH
Checked by:	KAO



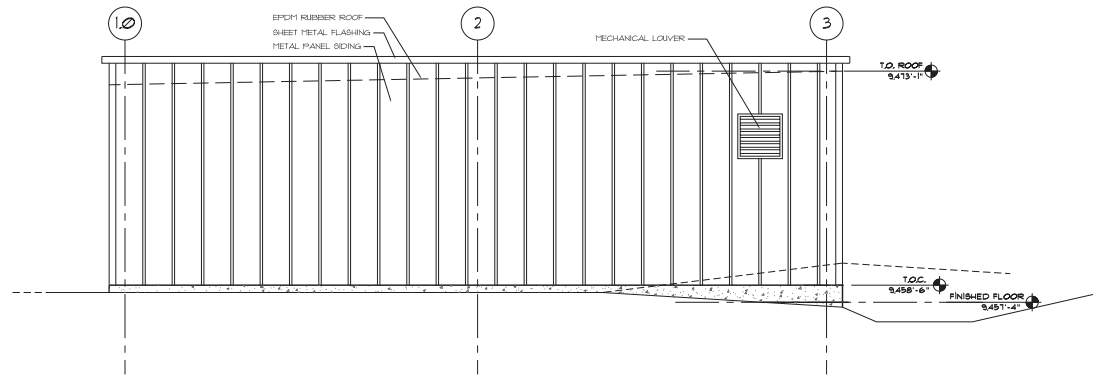
**1 PROPOSED SOUTH ELEVATION**  
A4.0 1/4" = 1'-0"



**2 PROPOSED EAST ELEVATION**  
A4.0 1/4" = 1'-0"



1 PROPOSED NORTH ELEVATION  
A4.1 1/4" = 1'-0"



2 PROPOSED WEST ELEVATION  
A4.1 1/4" = 1'-0"

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**BRECKENRIDGE TRANSIT BUS STORAGE**

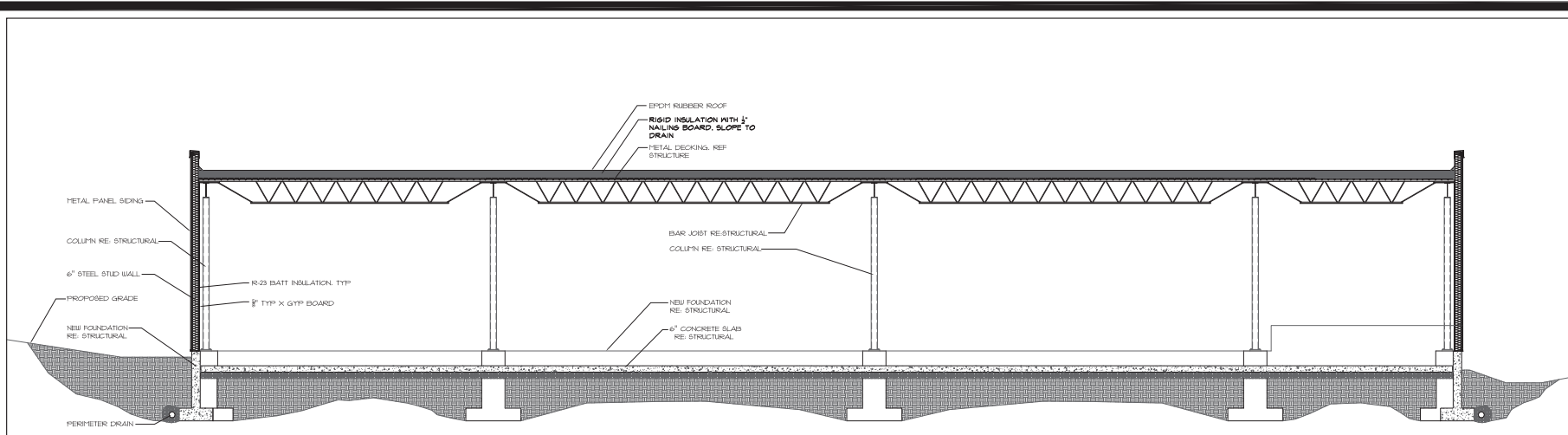
1095 AIRPORT ROAD  
BRECKENRIDGE, COLORADO 80424

Revisions:

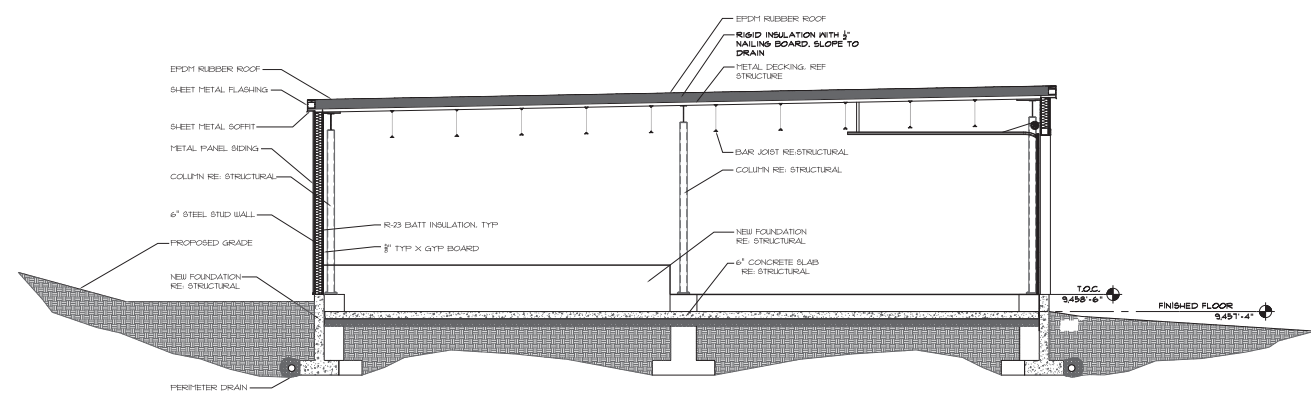
PROGRESS SET	
11/22/17	5/25/18
5/29/18	6/4/18

Date:	11/9/17
Project No:	269100
Drawn by:	CRH
Checked by:	KAO

**A4.1**  
ELEVATIONS



1 BUILDING SECTION  
A5.0 1/4" = 1'-0"



2 BUILDING SECTION  
A5.0 1/4" = 1'-0"



Revisions:

PROGRESS SET	DATE
1/22/17	5.25.18
5.23.18	6.4.18

Date:	11/9/17
Project No:	2117.00
Drawn by:	CRH
Checked by:	KAO

Standard Colors



BODY COLOR

TRIM  
&  
FACIA

Premium Colors

Berridge premium colors require a special surcharge.



Natural White



Award Blue



Champagne



Copper-Cote™



Antiqua Copper-Cote

Metallic Colors

Berridge metallic colors are premium finishes which require a nominal surcharge.

**Natural Metal Finish**

Berridge Acrylic Coated Galvalume® is a coated sheet product that combines the corrosion resistance of Galvalume® steel sheet with a clear organic resin applied to the top side and bottom side of Galvalume® substrate.

Acrylic-Coated Galvalume®



Zinc-Cote™



Lead-Cote™



Pawweathered Galvalume®

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