



BRECKENRIDGE TOWN COUNCIL REGULAR MEETING

Tuesday, November 10, 2015; 7:30 PM

Town Hall Auditorium

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*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

- C. BRECKENRIDGE TOURISM OFFICE (MS. WOLFE)
- D. BRECKENRIDGE HERITAGE ALLIANCE (MS. LAWRENCE)
- E. WATER TASK FORCE (MR. GALLAGHER)
- F. BRECKENRIDGE CREATIVE ARTS (MR. BURKE)

X OTHER MATTERS

XI SCHEDULED MEETINGS

XII ADJOURNMENT

*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:30 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

CALL TO ORDER, ROLL CALL

Mayor Warner called the meeting of October 13, 2015 to order at 7:35 pm. The following members answered roll call: Mr. Gallagher, Mr. Brewer, Ms. Lawrence, Mr. Burke, Ms. Wolfe, Ms. Gigliello and Mayor Warner.

The Mayor asked all in attendance to observe a moment of silence to recognize the passing of former Town Council member and community leader, Rob Millisor.

APPROVAL OF MINUTES - SEPTEMBER 22, 2015

With no changes or corrections to the meeting minutes of September 22, 2015, Mayor Warner declared they would stand approved as submitted.

APPROVAL OF AGENDA

Mr. Gagen stated there was one change to the agenda, which was to add Resolution No. 24, Series 2015 supporting a trails grant application to the State of Colorado.

COMMUNICATIONS TO COUNCIL

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

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

B. Breckenridge Tourism Office Update

Mr. Scott Fortner, Marketing Director for the BTO, showed two short videos from Camp 9600 and explained the successes of that program, as well as some of the different types of sessions offered. Ms. Wolfe added Camp 9600 exceeded her expectations and recommended Council attend next year. Ms. Lawrence stated it was inspiring and she could see the impacts of increased marketing funding to the BTO. Mr. Fortner further stated the BTO is working on the development of virtual reality tours, as well as the future of technology.

C. Breckenridge Ski Resort Update

Mr. John Buhler, COO of Breckenridge Ski Resort, thanked the Council for the moment of silence for Rob Millisor. He then stated the resort is 30 days from opening, and will start making snow on the 19th. Mr. Buhler stated uphill skiing policies will be the same as the past few years, with information available on their website. Also, Wake Up Breckenridge will be on opening day, with 25% more mugs, and the Dew Tour is back Dec. 10-13, and this is the last year of the contract with them. Mr. Brewer asked if our skate park could accommodate a Dew Tour event in the summer. Mr. Buhler also thanked Jesse Unruh and Rachel Zerwin for The Weather Channel live feed, which hit 2.3 million households and the weather was perfect. He further stated Epic Promise Day hosted more than 300 employees at Keystone Science School and the grants reception will take place on the 22nd of October, with Council encouraged to attend. Mr. Gallagher asked about the banning of drones at ski resorts, and Mr. Buhler responded they will have to monitor the situation before deciding to take action.

CONTINUED BUSINESS

A. Second Reading of Council Bills, Series 2015 - Public Hearings

1. COUNCIL BILL NO. 29, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE," CONCERNING TEMPORARY TENTS

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

Mayor Warner opened the public hearing on first reading. There were no comments and the hearing was closed.

Ms. Wolfe moved to approve COUNCIL BILL NO. 29, SERIES 2015 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE," CONCERNING TEMPORARY TENTS. Mr. Gallagher seconded the motion.
The motion passed 7 - 0.

2. COUNCIL BILL NO. 30, SERIES 2015 - AN ORDINANCE APPROVING A LAND EXCHANGE AGREEMENT WITH COLORADO MOUNTAIN COLLEGE FOUNDATION, INC., A COLORADO NONPROFIT CORPORATION

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

Mayor Warner opened the public hearing on first reading. There were no comments and the

hearing was closed.

Ms. Lawrence moved to approve COUNCIL BILL NO. 30, SERIES 2015 - AN ORDINANCE APPROVING A LAND EXCHANGE AGREEMENT WITH COLORADO MOUNTAIN COLLEGE FOUNDATION, INC., A COLORADO NONPROFIT CORPORATION. Mr. Burke seconded the motion.

The motion passed 7 - 0.

NEW BUSINESS

A. First Reading of Council Bills, Series 2015 - Public Hearings

1. COUNCIL BILL NO. 31, SERIES 2015 - AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO THE TOWN OF BLUE RIVER

Mayor Warner read the title into the minutes. Mr. Berry stated the Town of Blue River has requested a small easement for a cistern and on the second reading there will be two supporting documents to legally describe the parcel.

Mr. Brewer asked about the remediation of the land from the hole. Mr. Tom Daugherty stated by second reading the Town should have an answer about that.

Mayor Warner opened the public hearing on first reading. There were no comments and the hearing was closed.

Ms. Gigliello moved to approve COUNCIL BILL NO. 31, SERIES 2015 - AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO THE TOWN OF BLUE RIVER. Mr. Gallagher seconded the motion.

The motion passed 7 - 0.

B. Resolutions, Series 2015

1. RESOLUTION NO. 21, SERIES 2015 - A RESOLUTION AMENDING RESOLUTION NO. 16, SERIES 2015 CONCERNING THE DATE OF THE PUBLIC HEARING ON AN ANNEXATION PETITION (HURON LANDING – 1.48 ACRES, MORE OR LESS)

Mayor Warner read the title into the minutes. Mr. Tim Berry stated this resolution is needed to adequately notice the appropriate parties, and will reschedule the public hearing to Nov. 24th.

Mr. Gallagher moved to approve RESOLUTION NO. 21, SERIES 2015 - A RESOLUTION AMENDING RESOLUTION NO. 16, SERIES 2015 CONCERNING THE DATE OF THE PUBLIC HEARING ON AN ANNEXATION PETITION (HURON LANDING – 1.48 ACRES, MORE OR LESS). Ms. Gigliello seconded the motion.

The motion passed 7 - 0.

2. RESOLUTION NO. 22, SERIES 2015 - A RESOLUTION ADOPTING THE TOWN OF BRECKENRIDGE COMPREHENSIVE PLAN AND LAND USE GUIDELINES AS THE TOWN'S ANNEXATION PLAN PURSUANT TO SECTION 31-12-105 (1) (e), C.R.S.

Mayor Warner read the title into the minutes. Mr. Tim Berry stated the municipal annexation laws require that a municipality adopt a comprehensive plan as an annexation plan on a regular basis.

Mr. Brewer moved to approve RESOLUTION NO. 22, SERIES 2015 - A RESOLUTION ADOPTING THE TOWN OF BRECKENRIDGE COMPREHENSIVE PLAN AND LAND USE GUIDELINES AS THE TOWN'S ANNEXATION PLAN PURSUANT TO SECTION 31-12-105 (1) (e), C.R.S.. Mr. Burke seconded the motion.

The motion passed 7 - 0.

3. RESOLUTION NO. 23, SERIES 2015 - A RESOLUTION APPROVING THE WAIVER OF A WATER SYSTEM PLANT INVESTMENT FEE (New Recycling Center on Coyne Valley Road)

Mayor Warner read the title into the minutes. Mr. Tim Berry stated the town has received a request from the BOCC to waive the PIFs for the new recycling center on Coyne Valley and in order to do this the Town must pass this resolution.

Ms. Lawrence moved to approve RESOLUTION NO. 23, SERIES 2015 - A RESOLUTION APPROVING THE WAIVER OF A WATER SYSTEM PLANT INVESTMENT FEE (New Recycling Center on Coyne Valley Road). Mr. Burke seconded the motion.

The motion passed 7 - 0.

4. RESOLUTION NO. 24, SERIES 2015 - A RESOLUTION AUTHORIZING THE SUBMISSION OF A STATE TRAILS PROGRAM GRANT APPLICATION

Mayor Warner read the title into the minutes. Mr. Tim Berry stated the Town desires to submit a grant application to the State and a requirement of the grant is a resolution.

Mr. Brewer moved to approve RESOLUTION NO. 24, SERIES 2015 - A RESOLUTION AUTHORIZING THE SUBMISSION OF A STATE TRAILS PROGRAM GRANT APPLICATION. Ms. Wolfe seconded the motion.

The motion passed 7 - 0.

- C. Other

PLANNING MATTERS

- A. Planning Commission Decisions

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

- B. Planning Commission Report (Ms. Wolfe)

Ms. Wolfe stated she had no update from the notes of the meeting. She also stated the only thing she wished to add is that there is a committee field trip scheduled for Oct. 22 to look at parking structures, including some that are "wrapped" with office and retail space. Ms. Julia Puester stated she will send an itinerary to Council for consideration.

- C. Horse and Carriage Street Use Permit Renewal

Ms. Julia Puester introduced the Street Use Permit Renewal: Horse and Carriage. She stated Mr. Brad Bays has submitted the street use permit, and it has been processed as needing a public hearing this year. She further stated Mr. Bays has had permits dating back to 2002 and in 2011 the renewal was denied based of concerns of businesses about the stops. In 2012, the Town implemented a new policy for carriages and pedi cabs, and this application has been renewed administratively in the past. Ms. Puester stated this business is in the process of being sold, and the potential buyers understand the license transfer restrictions. She also stated this is a standard route with operations on Main Street only block at a time, and staff's concerns include complaints from Shuttle drivers about the location of the stop, and comments from members of the transit committee requesting the carriage to travel off off Main Street and limiting hours on Main Street. Ms. Puester stated that staff have received numerous public comments, including one received today from Far View Horse Rescue (Mr. Bays was also given a copy of that letter) and staff recommends approval of the permit with findings and conditions.

Mr. Burke asked about the policy for the transfer of the license and Mr. Berry explained the new applicant must make a new application.

Mr. Berry submitted to the Clerk a certificate that was created evidencing the notification requirements.

Mr. Brad Bays, owner of Breck Stables and owner of the horse-drawn carriage rides, stated he answered all questions in the packet, and he takes pride in the business, the horses, and the community and is here to address concerns.

Mr. Gallagher asked Mr. Bays if he is prepared to have the conditions proposed by Far View Horse Rescue met, and Mr. Bays stated all but one, as the regular vet checks may be costly. Mr. Bays further stated if there is a concern, we can call the vets. Mr. Gallagher recommended changing the language on the requirements to "vet checks as needed" and Mr. Bays stated the horses are up to date on vaccines.

Ms. Gigliello asked about Main Street changes and Mr. Bays stated the tours are in the Historic District, and only on Main Street one block at a time. He further stated he has not thought of an alternate route that would avoid Main Street, and exposure on Main Street is critical, as proven on the days when Main Street is shut down.

Ms. Lawrence asked about the employees' training on heritage tourism and Mr. Bays stated they are given information about that.

Ms. Gigliello asked about the condition of the horses and Mr. Bays responded that they are well cared for. Ms. Lawrence asked about the horse that fell on Oct. 3 and Mr. Bays stated the horse slipped on a grate and fell, and then got up immediately. Mr. Brewer stated he knew of a bad incident before the business changed hands to Mr. Bays, and Mr. Bays stated it was before he owned the business.

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

The Town Council then discussed the application. Mr. Burke stated he is in favor of the approval, and he feels good about the responses to the letters they received. Mr. Gallagher stated he is in favor of approval with the inclusion of the Far View Horse Rescue conditions. Mayor Warner asked if we should consider reimbursement by Mr. Bays from calls to Animal Control. Mr. Burke and Ms. Wolfe stated he could be responsible for anyone's concern, and that isn't right. Mayor Warner stated it's an amenity for the

community that creates a link to the past, and he would also support the conditions proposed by Far View Horse Rescue. Mr. Brewer stated he would support the application and would offer the concern of traffic management and safety on the streets. He also stated he is concerned about animal safety and the letter from Animal Control helped. He also stated we are not the small town we once were, and in the future Mr. Bays may have a difficult time keeping this business as it stands now. Ms. Lawrence stated she was in support. Ms. Gigliello stated she would support it, and wondered what the ramifications would be if conditions weren't met, and if the permit would be revoked. Mayor Warner asked to add the conditions from the Far View Horse Rescue letter with the caveat that vet checks would be done as needed and the added condition of reimbursement only if problems are found by animal control.

REPORT OF TOWN MANAGER AND STAFF

Mr. Gagen stated he had nothing else to report.

REPORT OF MAYOR AND COUNCILMEMBERS

A. Cast/MMC (Mayor Warner)

Mayor Warner stated Mr. Gibbs went to Washington to testify about the Forest Service budget. He further stated the Forest Service doesn't even want to look at an EIS for the Fremont Pass area bike path due to it being a wildlife corridor. Mayor Warner also stated ballot measures 1A and 5A were supported by managers, and the 2A group met last night and for the travel management plan, the County is proposing the re-closure (to motor vehicles) of popular winter routes with a meeting on October 27. He also stated the Mayor of Blue River is concerned about the toll on I-70 driving people to use Hwy 285, and Blue River is getting 2 Summit Stage stops, but no designated parking spots in those areas.

B. Breckenridge Open Space Advisory Committee (Ms. Gigliello)

Ms. Gigliello stated there was no meeting, but BOSAC will be taking a retreat to Jefferson County on October 30 to review user conflicts on trails.

C. Breckenridge Tourism Office (Ms. Wolfe)

Ms. Wolfe stated there was no update.

D. Breckenridge Heritage Alliance (Ms. Lawrence)

Ms. Lawrence stated the sheave is on display at Prospector Park, visitor numbers were up overall for September, the Sawmill Museum second phase is nearly complete, work is being done on the Briggie House roof, and monument conservation work is being done at the cemetery.

E. Water Task Force (Mr. Gallagher)

Mr. Gallagher stated there was no update.

F. Breckenridge Cultural Arts (Mr. Burke)

Mr. Burke stated there was no update.

OTHER MATTERS

Ms. Wolfe stated that after the community meeting about the homeless population, she believes it's time to consider having a "street cop" dedicated to the downtown core. She further stated it could be helpful to have the presence of a uniformed officer on the streets all the time. Mr. Gallagher stated it was a well-attended meeting, and there isn't much we can do to deal with the problem, and numbers have grown over the last two years. He agreed that they may see more success with someone in a uniform on Main Street, and he and Wendy are prepared to support an additional officer in the budget for this purpose. Mr. Brewer stated he thinks it's over-reaching for Council to allocate police resources better than the Chief, and it may not make guests comfortable to have police walking on the street. Mayor Warner stated an engaging officer on the street could be a great ambassador for the community. Mr. Burke stated the police force is friendly. Mr. Brewer stated he thinks we may be inviting conflict, and Ms. Lawrence stated she likes the partnership with the police force in this community. Ms. Gigliello stated she would like to see Chief Haynes look into this strategy and present something at the budget retreat. Mayor Warner stated he would like to see a metric on the position.

Ms. Wolfe stated she would like this council to consider having another discussion on architectural connectors in the historic district. She further stated she is worried about some of the unintended consequences of the connector ordinance, and worried that that part of the code isn't serving us well. Mr. Gagen asked if Council agreed, and if they would like the Planning Commission to make a recommendation first. Mayor Warner stated he would like direction from staff.

Ms. Gigliello asked about the barn on Main Street, and members stated that's Theobald's

land that may be restored.

Ms. Gigliello asked about the PR push for the affordable childcare program, and Ms. Lawrence stated perhaps we need more data before going to the public.

Ms. Gigliello asked about the corner of Ridge and Park, will it be 3 lanes, and Mr. Holman stated yes.

Ms. Gigliello asked about more lighting on streets, including Main Street, Park and Airport Road. Ms. Lawrence stated maybe it's a capital project over the next couple of years, with the idea of casting more light on the ground and including the dark sky initiative. Mr. Gagen recommended a comprehensive lighting discussion and plan.

Ms. Gigliello asked about the blue trees.

Ms. Lawrence stated the COO breakfast didn't have a Breckenridge presence, and she thinks it should be a priority for Council and senior staff next year. Mayor Warner recommended discussing with future Mayors and Councils.

Mr. Burke asked about the lack of a Rec Center sign at the driveway to the building, and staff stated they would look into it. He also asked about the orange fencing on the dipping station and Mr. Grosseuch stated it's being replaced.

Mr. Brewer stated the Post Office is dirty and he can't believe this Town tolerates the general mess and conditions there. Mr. Gagen suggested notifying the landowner about this issue. Mr. Gagen further stated staff will draft a letter for Council to sign.

Mr. Brewer asked about the lack of landscaping by Old Masonic Hall, and staff stated they will look into the issue.

SCHEDULED MEETINGS

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:45 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

Helen Cospolich, Town Clerk

John Warner, Mayor

Memorandum

To: Town Council
From: Tom Daugherty, Public Works Director
Date: 11/3/2015
Subject: Blue River Cistern Easement

Attached is the second reading of the ordinance granting an easement to Blue River for a cistern. The easement will be on the property where the Gary Roberts Water Treatment Plant is located. The cistern will sit on a corner of the property that is not expected to be needed by the Town.

After the first reading the Council asked that the property be landscaped and restored. A condition has been written into the easement that requires Blue River to provide a landscape plan that will restore the area disturbed by the installation of the cistern.

I will be at the Council meeting to answer any questions you may have.

1 **FOR WORKSESSION/SECOND READING – NOV. 10**

2
3 **CHANGES TO EASEMENT FROM FIRST READING ARE MARKED**

4
5 COUNCIL BILL NO. 31

6
7 Series 2015

8
9 AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO
10 THE TOWN OF BLUE RIVER

11
12 WHEREAS, the Town of Blue River has requested the granting of an easement for the
13 installation and maintenance of a cistern over, across, and through certain property owned by the
14 Town of Breckenridge; and

15 WHEREAS, the Town Council has determined that it should grant the requested
16 easement; and

17 WHEREAS, the Town Attorney has informed the Town Council that, in his opinion,
18 Section 15.3 of the Breckenridge Town Charter requires that the granting of the easement be
19 authorized by ordinance.

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

22
23 Section 1. The Town Manager is authorized, empowered, and directed to execute,
24 acknowledge, and deliver to Town of Blue River an easement substantially in the form marked
25 Exhibit “A”, attached hereto, and incorporated herein by reference.

26
27 Section 2. The Town Council finds, determines, and declares that it has the power to
28 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX
29 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

30 Section 3. This ordinance shall be published and become effective as provided by Section
31 5.9 of the Breckenridge Town Charter.

32 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
33 PUBLISHED IN FULL this ____ day of _____, 2015. A Public Hearing shall be held at the
34 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
35 _____, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
36 Town.

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

By: _____
John G. Warner, Mayor

ATTEST:

Helen Cospolich
Town Clerk

GRANT OF EASEMENT

THIS GRANT OF EASEMENT (“Grant”) is made and entered into at Breckenridge, Colorado this _____ day of October, 2015, by and between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, whose address is P. O. Box 168, Breckenridge, CO 80424 (“Grantor”) and the TOWN OF BLUE RIVER, a Colorado municipal corporation, whose address is P. O. Box 1784, Breckenridge, CO 80424 (“Grantee”).

WITNESSETH THAT:

In consideration of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following grants, agreements, covenants and restrictions are made:

1. Grant Of Easement. The Grantor hereby grants to the Grantee, its successors and assigns, an easement for the installation and maintenance of a cistern over, under, upon, in, across and through the following real property situate in the County of Summit and State of Colorado, to wit:

See the attached Exhibit “A” which is incorporated herein by reference (“Easement Premises”).

2. Use Of Easement Premises. The easement herein granted may be used by Grantee, its agents, licensees, employees and contractors. The easement herein granted may not extend the right to use such easement to other lands or property. The easement herein granted shall be used for the purposes described in Section 1, above. No other use of the Easement Premises shall be made or permitted by Grantee without Grantor’s prior permission.

3. Grantor’s Use Of Easement Premises. Grantor shall have the right to use and occupy the Easement Premises for any purpose not inconsistent with Grantee’s full and complete enjoyment of the rights hereby granted.

4. Improvements. Grantee shall construct upon the Easement Premises, at its sole cost, any and all improvements necessary or desirable in order to make the Easement Premises useable for the stated purpose. Grantee shall indemnify and hold Grantor harmless from all costs (including Grantor’s reasonable attorney’s fees) arising out of the construction of improvements to the Easement Premises.

5. Maintenance Of Easement Premises. Grantee shall, at its sole cost, provide such maintenance, repair, replacement or upkeep as shall be required with respect to the Easement Premises. All work on or to the Easement Premises will be completed by Grantee in the shortest reasonable time with the least obstruction to and disturbance of the surface of the Easement Premises.

6. Restoration of Surface of Easement Premises. After any work within the Easement Premises, Grantee, at its sole cost, shall restore the surface of the Easement Premises in

accordance with a restoration plan to be prepared by Grantee and reviewed and approved by Grantor.

7. Non-Waiver Of Governmental Immunity. The parties hereto understand and agree that they are relying on, and do not waive or intend to waive by any provision of this Grant, the monetary limitations (presently \$350,000 per person and \$990,000 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., as from time to time amended (“Act”), or any other law or limitation otherwise available to Grantor, its officers, or its employees.

8. Grantee’s Duty Of Care. Grantee shall exercise the rights herein granted to it with due care.

9. Indemnification. To the maximum extent allowed by law, Grantee shall indemnify and hold Grantor harmless from all claims, demands, judgments and causes of action (including Grantor’s reasonable attorney’s fees, court costs and expert witness fees) arising from the use of the Easement Premises by Grantee, its agents, licensees, employees, contractors, successors and assigns; provided, however, Grantee shall have no obligation under this Section to the extent any claim, demand, judgment or cause of action is caused by the negligence of Grantor, its agents, employees, officers, contractors, licensees, lessees, successors or assigns.

10. Insurance. Grantee shall obtain and maintain at all times, at Grantee’s sole cost, a policy or policies of comprehensive general liability insurance with limits of coverage of not less than the limits of liability for Colorado municipalities established from time to time by the Act. The Town shall be named as an additional insured on all such policies. Grantee shall furnish the Grantor with a certificate of insurance evidencing compliance with the requirements of this Section, and an additional insured endorsement, prior to the execution of this Grant, and within (20) days of each policy renewal or replacement. The certificate of insurance shall be sent to the Town Clerk, Town of Breckenridge, P.O. Box 168, Breckenridge, Colorado. The certificate of insurance shall provide that Grantee’s insurance policy may not be terminated or cancelled without at least thirty (30) days’ prior written notice to Grantor, sent to the Town Clerk at the above address.

11. Default; Remedies.

10.1 In the event either party materially defaults in the performance of any of the material covenants or agreements to be kept, done or performed by it under the terms of this Grant, the non-defaulting party shall notify the defaulting party in writing of the nature of such default. Within ten (10) days following receipt of such notice the defaulting party shall correct such default; or, in the event of a default not capable of being corrected within ten (10) days, the defaulting party shall commence correcting the default within ten (10) days of receipt of notification thereof and thereafter correct the default with due diligence. If the defaulting party fails to correct the default as provided above, the non-defaulting party, without further notice, shall have the rights provided in Subsections 10.2 and 10.3.

10.2 If the Grantee shall fail to correct a default as provided in Subsection 10.1, in addition to such rights and remedies as shall be provided by law, the Grantor shall have the right to declare that this Grant is terminated effective upon such date as the Grantor shall designate and Grantee shall execute such appropriate documentation as shall be required to terminate this Grant as requested by Grantor. The Grantee's obligation to execute such appropriate documentation shall be specifically enforceable against Grantee. The rights and remedies provided for herein may be exercised singly or in combination.

10.3 If the Grantor shall fail to correct a default as provided in Subsection 10.1, the Grantee shall have such rights and remedies as shall be provided by law.

12. Termination Upon Cessation of Need. Should Grantee's cistern ever be relocated so that it no longer includes the Easement Premises, Grantee shall, upon the request of the Grantor, execute appropriate documentation to terminate this Grant as required by Subsection 10.2 of this Grant.

13. Attorney's Fees. If any action is brought in a court of law by either party to this Grant concerning the enforcement, interpretation or construction of this Grant, the prevailing party, either at trial or upon appeal, shall be entitled to reasonable attorney's fees, as well as costs, including expert witness' fees, incurred in the prosecution or defense of such action.

14. Notices. Except as otherwise provided, all notices provided for or required under this Grant shall be in writing, signed by the party giving the same, and shall be deemed properly given when actually received or three (3) days after being mailed, by certified mail, return receipt requested, addressed to the parties hereto at their addresses appearing on the signature page(s). Each party, by written notice to the other party, may specify any other address for the receipt of such instruments or communications.

15. Modification. This Grant may be modified or amended only by a duly authorized written instrument executed by the parties hereto. Oral amendments to this Grant shall not be permitted.

16. Applicable Law. This Grant shall be interpreted in all respects in accordance with the laws of the State of Colorado.

17. Waiver. The failure of either party to exercise any of its rights under this Grant shall not be a waiver of those rights. A party waives only those rights specified in writing and signed by the party waiving such rights.

18. Binding Effect. The provisions of this Grant shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

GRANTOR:

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

ATTEST:

By _____
Timothy J. Gagen, Town Manager

Helen Cospolich
Town Clerk

Grantor's Address:
P.O. Box 168, Breckenridge,
Colorado 80424

GRANTEE:

TOWN OF BLUE RIVER, a Colorado
municipal corporation

ATTEST:

By _____
Lindsay Backas, Mayor

Michelle Eddy
Deputy Town Clerk

Grantee's Address:
P.O. Box 1784, Breckenridge,
Colorado 80424

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this _____ day of October, 2015, by Timothy J. Gagen as Town Manager and Helen Cospolich as Town Clerk, of the Town of Breckenridge, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledge before me this _____ day of October, 2015, by Lindsay Backas as Mayor and Michelle Eddy as Deputy Town Clerk of Town of Blue River, a Colorado municipal corporation.

WITNESS my hand and official seal.

My commission expires: _____.

Notary Public

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Exhibit "A"
To Grant of Easement Between the Town of Breckenridge (as Grantor) and Town of Blue River
(as Grantee)

Legal Description of Easement Premises

See the attached Exhibit A-1

EXHIBIT A

LOT 497, THE LAKESHORE - GOOSE PASTURE TARN – BLUE RIVER ESTATES, INC
EASEMENT FOR WATER CISTERN

A CISTERN EASEMENT, LOCATED WITHIN LOT 497, THE LAKESHORE – GOOSE PASTURE TARN – BLUE RIVER ESTATES, INC. A SUBDIVISION AS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER FOR SUMMIT COUNTY COLORADO AT RECEPTION NO. 103951.

SAID CISTERN EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

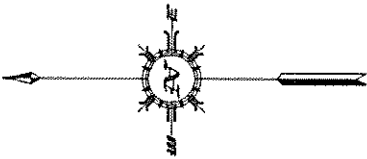
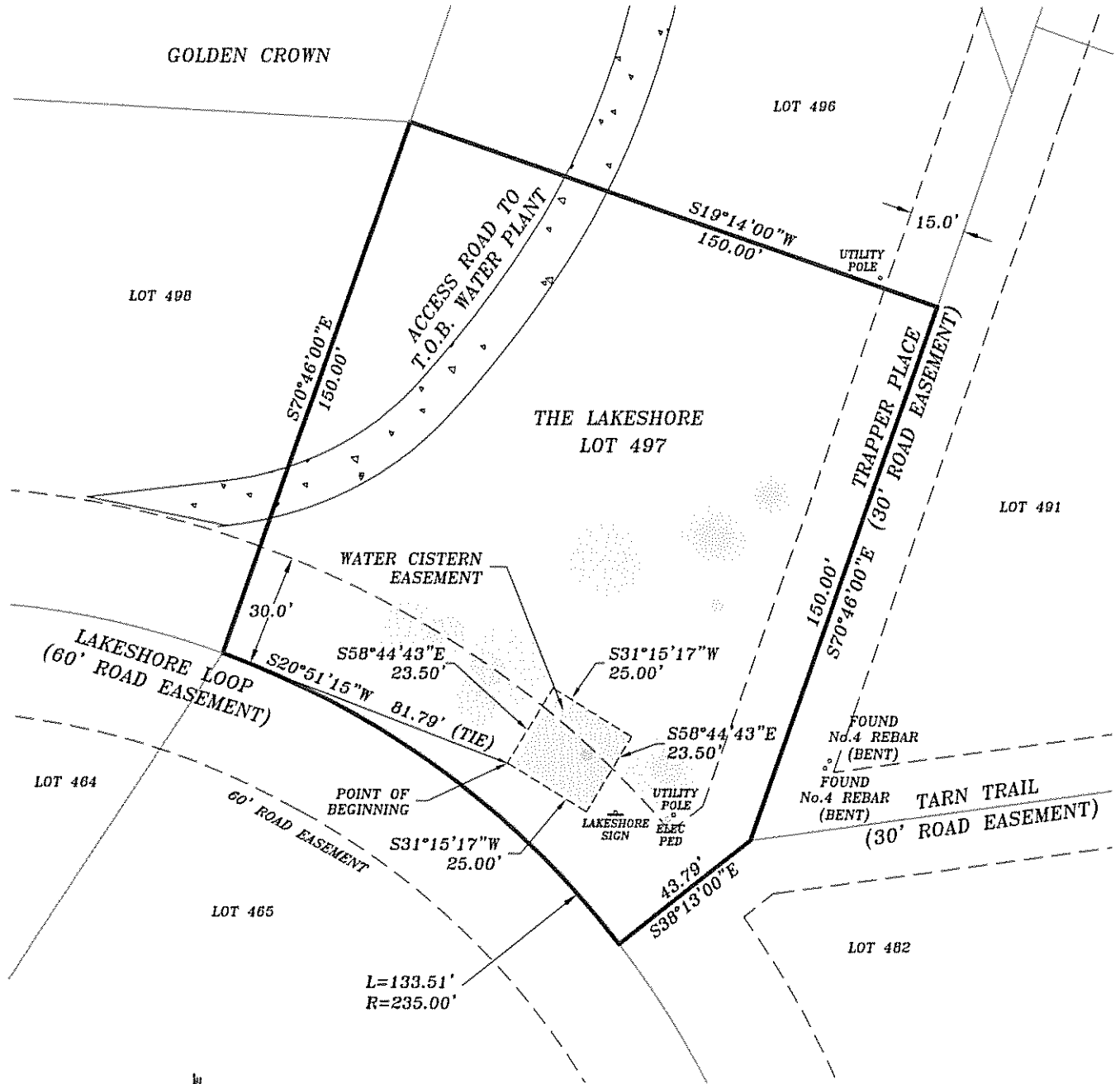
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 497, THENCE; S20°51'15"W, A DISTANCE OF 81.79 FEET TO THE TRUE POINT OF BEGINNING.

THENCE; ALONG THE EASEMENT BOUNDARY FOR THE FOLLOWING 4 COURSES:

- 1) S58°44'43"E, A DISTANCE OF 23.50 FEET.
- 2) S31°15'17"W, A DISTANCE OF 25.00 FEET.
- 3) N58°44'43"W, A DISTANCE OF 23.50 FEET.
- 4) N31°15'17"E, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

DESCRIBED CISTERN EASEMENT CONTAINING 587.50 SQUARE FEET OR 0.013 ACRES MORE OR LESS.

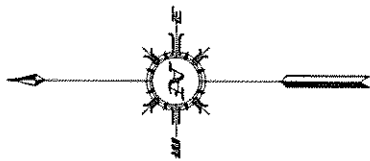
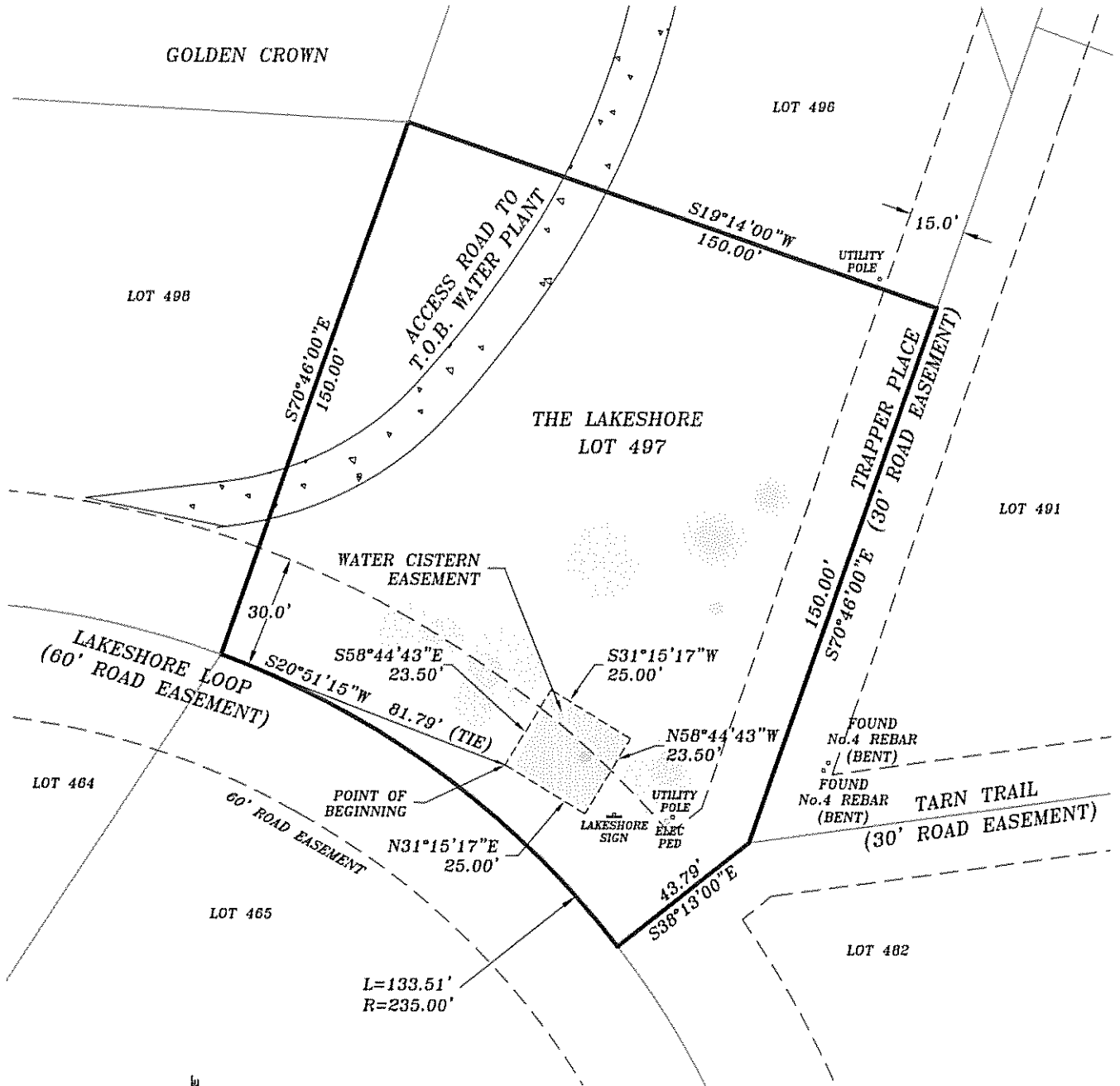
EXHIBIT B
EASEMENT FOR WATER CISTERN
LOT 497, THE LAKESHORE – GOOSE PASTURE TARN –
BLUE RIVER ESTATES, INC
TOWN OF BLUE RIVER
SUMMIT COUNTY, COLORADO



SCALE: 1" = 40'

BASELINE SURVEYS, LLC		
P.O. BOX 7578 BRECKENRIDGE COLO. 80424		
SCALE: 1" = 40'	DATE: 10/08/15	JOB NO. 4024
DRAWN BY: C.T.Y.	CHECKED BY: D.E.O.	DRAWING NO. 4024 CISTERN

EXHIBIT B
EASEMENT FOR WATER CISTERN
LOT 497, THE LAKESHORE – GOOSE PASTURE TARN –
BLUE RIVER ESTATES, INC
TOWN OF BLUE RIVER
SUMMIT COUNTY, COLORADO



SCALE: 1" = 40'

BASELINE SURVEYS, LLC		
P.O. BOX 7578 BRECKENRIDGE COLO. 80424		
SCALE: 1" = 40'	DATE: 10/08/15	JOB NO. 4024
DRAWN BY: C.T.Y.	CHECKED BY: D.E.O.	DRAWING NO. 4024 CISTERN



MEMORANDUM

To: Town Council
From: Finance and Municipal Services Dept.
Subject: *2016 Budget Resolution*
Date: November 18, 2015
CC: Tim Gagen, Town Manager; Rick Holman, Assistant Town Manager

Additional information has been incorporated into the 2016 budget per decisions made at the October 27, 2015 Council Budget Retreat.

The attached resolution has been prepared to adopt the 2016 budget and the 2016-2020 Capital Improvement Plan. Adoption of the budget also includes changes to certain fees and charges that will become effective January 1, 2016.

Council is asked to review the memo and attachments summarizing the changes to the 2016 proposed budget. Council is also asked to hold a public hearing and to be prepared to vote on the budget resolution during the November 24th Council meeting.

1 **FOR WORKSESSION/ADOPTION – NOV. 24**

2
3 RESOLUTION NO. XX

4
5 SERIES 2015

6
7
8 A RESOLUTION ADOPTING THE 2016 BUDGET
9 AND MAKING APPROPRIATIONS THEREFOR; AND APPROVING THE 2016-2020 CAPITAL
10 IMPROVEMENT PLAN

11
12 WHEREAS, the Charter of the Town of Breckenridge requires that the Town Council adopt an
13 operating budget for each fiscal year; and

14
15 WHEREAS, the Charter of the Town of Breckenridge requires that the Town Council adopt a
16 five-year Capital Improvement Plan.

17
18 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
19 BRECKENRIDGE, COLORADO:

20
21 Section 1. The proposed operating budget for 2016 based on certain fee changes, as
22 revised by Town Council and maintained on file by the Town Clerk, is adopted and
23 appropriations are made to the various programs as shown therein.

24
25 Section 2. The 2016-2020 Capital Improvement Plan, as proposed by the Town
26 Manager and as amended by the Town Council, is approved.

27
28 Section 3. All fees and charges contained in the 2016 operating budget are approved
29 and adopted. Such fees shall become effective January 1, 2016. Further, the Town
30 Manager may implement any of the other fees and charges contained in the 2016
31 operating budget prior to January 1, 2016 if the Town Manager determines, in his
32 judgment, that such early implementation is necessary or appropriate.

33
34 Section 4. This Resolution is effective upon adoption.

35
36 RESOLUTION ADOPTED AND APPROVED this 24th day of November, 2015.

37
38 ATTEST:

TOWN OF BRECKENRIDGE

39
40
41
42 _____
43 Helen Cospolich, Town Clerk

44
45 APPROVED IN FORM

46
47
48
49 _____
50 Town Attorney

MEMO

TO: Town Council

FROM: Town Attorney

RE: Proposed Revisions to Town’s “Aggressive Solicitation” Ordinance

DATE: November 4, 2015 (for November 10th meeting)

Enclosed with this memo is an ordinance that I believe needs to be adopted to make the Town’s “Aggressive Solicitation Ordinance” conform with the new legal standard for regulating protected First Amendment speech that was announced by the United States Supreme Court in June.

The Town’s Aggressive Solicitation Ordinance is the local law regulating panhandling and the solicitation of money. Historically, municipalities addressed problems associated with this kind of activity by simply prohibiting the activity altogether. Modern cases, however, make it clear that both panhandling and solicitation are activities that are protected by the First Amendment to the United States Constitution.

The First Amendment provides, in part, that “[Governments] shall make no law . . . abridging the freedom of speech.” This simple ten-word clause has given rise to much litigation. First Amendment jurisprudence is complicated and can be confusing. I do not want to get too deep into the nuances of First Amendment law. However, in order to evaluate the proposed ordinance you need to understand two important First Amendment rules that have been developed by the courts:

1. If a particular government regulation is found to be “content-based,” the courts will apply a test that is called “strict scrutiny.” Under strict scrutiny a government regulation will be upheld only if it is narrowly tailored to meet a *compelling* government interest. Content-based regulations are presumptively invalid, and are rarely upheld by the courts.

2. On the other hand, if a regulation is found to be “content-neutral,” the courts will apply a less demanding test which is called “intermediate scrutiny.” Under intermediate scrutiny, a government regulation will be upheld if the regulation is narrowly tailored to meet a *significant* (as opposed to a compelling) government interest. Content-neutral regulations have a much better chance of surviving a constitutional challenge than content-based restrictions.

Under this analytical framework the critical, threshold determination is whether a particular regulation is “content-based.” Before the Supreme Court’s decision this summer, there were conflicting tests used by the lower court to determine content neutrality. This created uncertainty, and required the Supreme Court to step in and resolve the conflict among the lower courts.

The conflict was resolved this summer by the Supreme Court's decision in the case of *Reed v. Gilbert*. In *Gilbert*, the Supreme Court unanimously struck down the Town of Gilbert's sign ordinance. Although there were varying views of the problems with the Gilbert sign ordinance among the nine Supreme Court justices, the majority opinion articulated the following test for determining whether a government regulation is content-neutral:

Government regulation of speech is content-based if a law applies to particular speech because of the topic discussed or the idea or message expressed.

The majority opinion also said that a government regulation is content-based if it regulates speech based on the subject matter of that speech, or by the function or purpose of speech. Further, the majority of the Court was clear that a government regulation cannot discriminate among viewpoints (that is, the regulation of speech based on the specific motivating ideology or the opinion or perspective of the speaker).

The majority opinion in *Reed* found that the Town's sign ordinance regulated signage differently based upon what was written on the sign (i.e., whether the sign contained a political message, an "ideological" message, or temporary directions to an event). Signs of different categories were allowed to be of different sizes without explanation or justification, and different types of signs could be displayed for varying lengths of time. Because the sign ordinance provided different rules for signs based on the content of the sign, the Court found the sign ordinance to be content-based. Once that determination was made, the Court has no problem in determining the interests asserted by Gilbert for adopting its sign code (traffic safety and aesthetics) were not "compelling" government interests, and the sign ordinance was not narrowly tailored to address those asserted government interests. As a result, the sign ordinance was ruled to be unconstitutional.

The Supreme Court's new definition of when a government regulation is content-based is game-changing. For this reason, the *Gilbert* decision has been described as perhaps the most important municipal law case in the last thirty years.

Immediately after the *Gilbert* case was announced its holding was applied to First Amendment speech cases that did not involve sign ordinances. For example, in the past five months federal courts across the nation have applied the new *Gilbert* definition of "content-based" government regulation to strike down a number of municipal panhandling and aggressive solicitation ordinances. In fact, the impact of the holding in the *Gilbert* case was determined to be so groundbreaking that one federal court of appeals completely reversed itself after the *Gilbert* decision was announced and struck down a municipal panhandling ordinance as being impermissibly content-based, even though a few months earlier that same court had found the same municipal ordinance to content-neutral and lawful!

The ramifications of the holding in the *Gilbert* case have been felt in Colorado too. Before *Gilbert*, several Colorado municipalities had been sued over their panhandling ordinances. The affected municipalities settled the cases (at some considerable expense) by amending their ordinances. Importantly, on September 30, 2015 the United States District Court for the District of Colorado applied the holding in the *Gilbert* case to strike down substantial

parts of the City of Grand Junction's panhandling ordinance as being impermissibly content-based. Several portions of the Grand Junction's ordinance that were held to be invalid contain provisions that are similar to portions of the Town's current Aggressive Solicitation Ordinance.

As a result of the holding in the Gilbert and Grand Junction cases a number of Colorado municipalities have already amended their local panhandling ordinances (i.e., Ft. Collins and Boulder). The City and County of Denver is currently in the process of amending its aggressive solicitation ordinance as well.

The current Denver ordinance is almost identical to the Breckenridge Aggressive Solicitation Ordinance. I believe they were both based on a model ordinance from a national municipal law organization, and contained language that had been upheld against constitutional challenge as being content-neutral. Under both the Gilbert and Grand Junction cases, however, it seems clear that substantial portions of the Breckenridge ordinance needs to be repealed or amended to make the local ordinances comply with the Gilbert decision.

The enclosed ordinance does that by removing the portions of the Town's Aggressive Solicitation Ordinance that I think would likely be found to be content-based and invalid under the Gilbert decision. The portions of the Aggressive Solicitation Ordinance that will remain after the adoption of the enclosed ordinance regulate conduct, not speech, and are in many way similar to penal ordinances already on the Town's books, such as harassment and trespassing.

Adopting this ordinance will reduce the risk of the Town being successfully sued over its Aggressive Solicitation Ordinance, and is therefore good risk management. I recommend the enclosed ordinance be adopted.

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

1 ***FOR WORKSESSION/FIRST READING – NOV. 10***

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

5
6 COUNCIL BILL NO. 32

7
8 Series 2015

9
10 AN ORDINANCE AMENDING SECTION 6-3C-15 OF THE BRECKENRIDGE TOWN
11 CODE CONCERNING PANHANDLING AND SOLICITATION

12
13 WHEREAS, On June 18, 2015 the United States Supreme Court issued its decision in the
14 case of *Reed v. Town of Gilbert, Arizona*, 135 S.Ct. 2218 (2015); and

15
16 WHEREAS, in *Reed v. Town of Gilbert, Arizona* the Supreme Court addressed the
17 requirement of content-neutrality when analyzing government regulations that implicate the First
18 Amendment to the United States Constitution; and

19
20 WHEREAS, although *Reed v. Town of Gilbert, Arizona* involved a municipal sign code,
21 the majority’s opinion in the case has been extended to invalidate certain provisions of municipal
22 ordinances attempting to regulate panhandling and aggressive solicitation; and

23
24 WHEREAS, on September 30, 2015, the United States District Court for the District of
25 Colorado issued an order in the case of *Brown, et al. v City of Grand Junction, Colorado*, Civil
26 Action No. 14-cv-00809-CMA-KLM, invalidating on constitutional grounds certain provisions
27 of the Grand Junction ordinance regulating panhandling and aggressive solicitation that are
28 similar to the Town’s panhandling and aggressive solicitation ordinance; and

29
30 WHEREAS, it is necessary for the Town’s ordinance regulating panhandling and
31 aggressive solicitation to be amended to conform to the new legal standard that applies to such
32 municipal ordinances.

33
34 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
35 COLORADO:

36
37 Section 1. Section 6-3C-15 of the Breckenridge Town Code is amended to read as
38 follows:

39
40 6-3C-15: PANHANDLING AND SOLICITATION:

41
42 ~~A. Legislative Findings:~~

43
44 ~~1. The town council finds that the increase in aggressive solicitation throughout the~~
45 ~~town has become extremely disturbing and disruptive to residents and businesses, and~~

1 has contributed not only to the loss of access to and enjoyment of public places, but
2 also to an enhanced sense of fear, intimidation and disorder.

3 ~~2.—Aggressive solicitation usually includes approaching or following pedestrians,
4 repetitive soliciting despite refusals, the use of abusive or profane language to cause
5 fear and intimidation, unwanted physical contact, or the intentional blocking of
6 pedestrian and vehicular traffic. The town council further finds that the presence of
7 individuals who solicit money from persons at or near banks, automated teller
8 machines, or in public transportation vehicles is especially troublesome because of
9 the enhanced fear of crime in those confined environments. Such activity carries with
10 it an implicit threat to both persons and property.~~

11 ~~3.—The manner of solicitation involving the initial offering of an item of personal
12 property, such as hat, to a prospective donor followed immediately by a request for a
13 donation is particularly coercive because the prospective donor may feel compelled to
14 make a donation in recognition of the fact that he or she has already received an item
15 of value from the solicitor. This particular form of solicitation is particularly
16 bothersome and annoying to the many visitors to the town.~~

17 ~~4.—The provisions of this section seek to balance the legal rights of panhandlers and
18 solicitors with the legitimate expectations and interests of the residents, visitors and
19 business owners of the town.~~

20 ~~5.—The restrictions and limitations on panhandlers and solicitors set forth in this section
21 are reasonable time, place and manner restrictions on the activities of panhandlers and
22 solicitors as authorized by law.~~

23 ~~6.—The provisions of this section are content neutral and are narrowly tailored to address
24 the specific problems associated with the conduct of panhandlers and solicitors. The
25 provisions of this section leave open ample alternative channels of communication for
26 panhandlers and solicitors, such as oral advocacy not involving threat or coercion,
27 expressed or implied; distribution of literature; door to door solicitation; telephone
28 solicitation and solicitation by mail.~~

29 ~~7.—The town council is enacting this section pursuant to its police power, as provided in
30 the town charter and other applicable Colorado law. This law is timely and
31 appropriate because current laws and town regulations are insufficient to address the
32 aforementioned problems.~~

33 ~~8.—The law is not intended to limit any person from exercising their constitutional right
34 to solicit funds, picket, protest or engage in other constitutionally protected activity.
35 Rather, its goal is to protect citizens and guests of the town from the fear, intimidation
36 and coercion accompanying certain kinds and manner of solicitation that have
37 become an unwelcome presence in the town.~~

38 BA.Definitions: For the purpose of this section:

AGGRESSIVE PANHANDLING:

~~1. Continuing to solicit from a person after the person has given a negative response to such soliciting;~~

~~2~~1. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;

~~3~~2. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

~~4~~3. Using violent or threatening gestures toward a person solicited;

~~5. Persisting in closely following or approaching the person being solicited, with the intent of asking that person for money or other things of value, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or anything of value to the solicitor;~~

~~6~~4. Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited;

~~7. Soliciting money from anyone who is waiting in line for tickets, for entry to a building, or for another purpose;~~

~~8~~5. Approaching or following a person for solicitation as part of a group of two (2) or more persons, in a manner and with conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value.

~~AUTOMATED TELLER~~

~~A device, linked to a financial institution's~~

~~MACHINE: account records which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.~~

~~AUTOMATED TELLER MACHINE FACILITY: The area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.~~

~~FINANCIAL INSTITUTION: Any bank, industrial bank, credit union, or savings and loan as defined in title 11 of the Colorado Revised Statutes.~~

~~PUBLIC PLACE: A place to which the public or a substantial group of persons has access, including, but not limited to, any street, sidewalk, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.~~

~~SOLICITING OR PANHANDLING: For purposes of this section are interchangeable and mean any solicitation made in person requesting an immediate donation of money. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this section. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.~~

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CB. Prohibited Acts:

1. No person shall engage in aggressive panhandling in any public place.
2. ~~No person shall panhandle on private or residential property if the owner, tenant or lawful occupant of such property has either: a) asked the person to leave or refrain from panhandling on the property; or b) posted a sign upon the property clearly indicating that solicitors are not welcome on the property.~~ **No person shall panhandle on private or residential property after having been asked to leave or refrain**

1 from panhandling by the owner or other person lawfully in possession of such
2 property.

- 3 ~~3. No person shall panhandle within twenty feet (20') of public toilets.~~
- 4 ~~4. No person shall panhandle within twenty feet (20') of any automated teller machine;~~
5 ~~provided, however, that when an automated teller machine is located within an~~
6 ~~automated teller machine facility, such distance shall be measured from the entrance~~
7 ~~or exit of the facility.~~
- 8 ~~5. No person shall solicit from any operator or occupant of a motor vehicle that is~~
9 ~~located on a public street or alley.~~
- 10 ~~6. No person shall panhandle in any public transportation vehicle, or within twenty feet~~
11 ~~(20') of any public transportation center or transit stop, or in any public parking lot or~~
12 ~~structure.~~
- 13 ~~7. No person shall panhandle within six feet (6') of an entrance to a building.~~
- 14 ~~8. No person shall panhandle within twenty feet (20') of any pay telephone; provided~~
15 ~~that when a pay telephone is located within a telephone booth or other facility, such~~
16 ~~distance shall be measured from the entrance or exit of the telephone booth or facility.~~
- 17 ~~9. No person shall solicit or panhandle after dark, which shall mean one-half (1/2) hour~~
18 ~~after sunset until one-half (1/2) hour before sunrise.~~
- 19 ~~10. No person shall solicit or panhandle within twenty feet (20') of any outdoor patio~~
20 ~~where food or drink are served.~~
- 21 ~~11. No person shall solicit by first giving a prospective donor an item of personal~~
22 ~~property and then requesting a donation.~~

23 DC. Penalties: Every person convicted of a violation of this section shall be punished as
24 provided in Section 1-4-1 of this Code.

25 E. Construction Of Ordinance:

- 26 ~~1. This section is not intended to prescribe any demand for payment for services~~
27 ~~rendered or goods delivered.~~
- 28 ~~2. This section is not intended to create a result through enforcement that is absurd,~~
29 ~~impossible or unreasonable.~~
- 30 ~~3. This section should be held inapplicable in any such cases where its application~~
31 ~~would be unconstitutional under the constitution of the state of Colorado or the~~
32 ~~constitution of the United States of America.~~

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Section 2. Except as specifically amended by this ordinance, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council finds, determines, and declares that it has the power to adopt this ordinance pursuant to: (i) Section 31-15-103, C.R.S. (concerning municipal police powers); (ii) Section 31-15-401, C.R.S. (concerning municipal police powers); (iii) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (iv) the powers contained in the Breckenridge Town Charter.

Section 4. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2015. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___ day of _____, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: _____
John G. Warner, Mayor

ATTEST:

Helen Cospolich
Town Clerk

TO: MAYOR AND TOWN COUNCIL
FROM: FINANCE AND MUNICIPAL SERVICE DIVISION
SUBJECT: 2016 WATER ORDINANCE
DATE: 11/4/2015
CC: TIM GAGEN, RICK HOLMAN

Enclosed is the 2016 Water Rates Ordinance. It has been marked to show the changes in the water fees that will occur effective January 1, 2016.

The changes in the ordinance include an increase in existing fees 5%/year for water user fees.

1 ***FOR WORKSESSION/FIRST READING – NOV. 10***

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

5
6 COUNCIL BILL NO. 33

7
8 Series 2015

9
10 AN ORDINANCE PROVIDING FOR AN INCREASE IN MUNICIPAL
11 WATER USER FEES EFFECTIVE JANUARY 1, 2016

12
13 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
14 COLORADO:

15
16 Section 1. The Town Council of the Town of Breckenridge finds and determines as
17 follows:

18
19 A. The Town of Breckenridge is a home rule municipal corporation organized and
20 existing pursuant to Article XX of the Colorado Constitution.

21
22 B. On April 1, 1980 the people of the Town of Breckenridge adopted the Breckenridge
Town Charter.

23 C. Section 13.1 of the Breckenridge Town Charter provides in pertinent part as follows:

24 The town shall have and exercise with regard to all utilities . . . all municipal
25 powers, including, without limitation, all powers now existing and which may be
26 hereafter provided by the Constitution and the statutes.

27
28 D. Section 13.1 of the Breckenridge Town Charter further provides that “the right of the
29 town to construct . . . any public utility, work or way, is expressly reserved.”

30 E. Section 31-35-402(1)(b), C.R.S., authorizes a municipality to operate and maintain
31 water facilities for its own use and for the use of public and private consumers and users within
32 and without the territorial boundaries of the municipality.

33 F. Pursuant to the authority granted by the Breckenridge Town Charter and Section 31-
34 35-402(1)(b), C.R.S., the Town owns and operates a municipal water system.

35 G. Section 13.3 of the Breckenridge Town Charter provides that “(t)he council shall by
36 ordinance establish rates for services provided by municipality-owned utilities.”

37 H. Section 31-35-402(1)(f), C.R.S., authorizes a municipality with respect to a municipal
38 water system:

1 To prescribe, revise, and collect in advance or otherwise, from any consumer or
2 any owner or occupant of any real property connected therewith or receiving
3 service therefrom, rates, fees, tolls, and charges or any combination thereof for the
4 services furnished by, or the direct or indirect connection with, or the use of, or
5 any commodity from such water facilities . . . , including, without limiting the
6 generality of the foregoing, . . . tap fees.
7

8 I. Section 31-35-402(1)(f), C.R.S., further provides that the governing body of a
9 municipality is empowered to establish and collect the rates, fees, tolls, and charges in
10 connection with the operation of its municipal water system “without any modification,
11 supervision, or regulation of any such rates, fees, tolls, or charges by any board, agency, bureau,
12 commission or official other than the governing body collecting them.”

13 J. The action of the Town Council in setting the rates, fees, tolls, and charges to be
14 charged and collected by the Town in connection with the operation of its municipal water
15 system is a legislative matter.

16 K. In connection with the adoption of this ordinance, the Town has reviewed,
17 considered, and relied upon a study of the reasonably anticipated current and future maintenance
18 and expansion costs for the Town’s municipal water system as prepared by the Town’s staff, and
19 all other matters, materials and information related thereto or submitted to the Town in
20 connection therewith. All such materials are to be considered part of the record of the
21 proceedings related to the adoption of this ordinance.

22 L. The rates, fees, tolls, and charges imposed in connection with the operation of a
23 municipal water system should raise revenue required, among other things, to construct, operate,
24 repair, maintain, upgrade, expand and replace the water system.

25 Section 2. Effective January 1, 2016, Section 12-4-11 of the Breckenridge Town Code
26 is amended so as to read in its entirety as follows:
27

28 12-4-11: WATER USER FEES; RESIDENTIAL:
29

30 A. The in town base rate user fee for all residential water users, regardless of the
31 size of the water meter, includes a usage allowance of not to exceed ten thousand
32 (10,000) gallons of water per SFE per billing cycle, and shall be computed
33 according to the following table:
34

<u>Water Use Date</u>	<u>Base User Fee</u>
<u>Effective January 1, 2015</u>	<u>\$32.81 per billing cycle per SFE</u>
<u>Effective January 1, 2016</u>	<u>\$34.45 per billing cycle per SFE</u>

35 B. In addition to the base user fee set forth in subsection A of this section, each in
36 town residential water user shall pay an excess use charge for each one thousand
37 (1,000) gallons of metered water, or fraction thereof, used per SFE per billing
38 cycle in excess of the usage allowance of ten thousand (10,000) gallons of water
39

per SFE per billing cycle. The amount of the excess use charge shall be computed according to the following table:

<u>Water Use Date</u>	<u>Excess Use Charge</u>
Effective January 1, 2015	\$5.00
<u>Effective January 1, 2016</u>	<u>\$5.25</u>

Section 3. Effective January 1, 2016, Section 12-4-12(A) of the Breckenridge Town Code is amended so as to read in its entirety as follows:

12-4-12: WATER USER FEES; NONRESIDENTIAL:

A. The in town base rate user fee per SFE per billing cycle and the usage allowance per SFE per billing cycle for all nonresidential water users shall be determined based upon the size of the water meter which connects the water using property to the water system, as follows:

For water used commencing January 1, 2015-~~2015~~**2016**

<u>Meter Size</u>	<u>Base Water Fee Per Account</u>	<u>Usage Allowance Per Account (Gallons)</u>
Less than 1 inch	\$ 37.58 <u>\$ 39.46</u>	13,000
1 inch	56.37 <u>59.19</u>	20,000
1 1/2 inch	98.37 <u>103.29</u>	35,000
2 inch	154.90 <u>162.64</u>	54,000
3 inch	297.83 <u>312.72</u>	105,000
4 inch	460.40 <u>483.42</u>	162,000
6 inch	904.61 <u>949.84</u>	318,000

Section 4. Effective January 1, 2016, Section 12-4-13 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

12-4-13: WATER USER FEES; MIXED USE:

1 The in town base rate user fee and the usage allowance per billing cycle for all
2 mixed use water using properties shall be calculated based upon the predominant
3 use of the water using property as determined by the finance director. In addition
4 to the base user fee, each in town mixed use water user shall pay an excess use
5 charge of ~~three dollars eleven~~ **five dollars twenty five** cents (~~\$3.11~~ **5.25**) per one
6 thousand (1,000) gallons of metered water, or fraction thereof, used per billing
7 cycle in excess of the applicable usage allowance.
8

9 Section 5. Effective January 1, 2016, Section 12-4-14 of the Breckenridge Town Code is
10 amended so as to read in its entirety as follows:
11

12 12-4-14: BULK WATER:
13

14 The rate for each one thousand (1,000) gallons of bulk water sold by the town shall be
15 twenty **one** dollars (**\$21.00**) (~~(\$20.00)~~). In addition, a connection fee of one hundred dollars
16 (\$100.00), and a one thousand dollar (\$1,000.00) deposit shall be collected at the time of
17 each bulk water sale. The damage deposit, less any amount necessary to reimburse the
18 town for damage to the town's water meter and hydrant arising from the sale and delivery
19 of the bulk water, shall be returned to the purchaser of the bulk water within thirty (30)
20 days after the sale
21 .

22 Section 6. Except as specifically amended hereby, the Breckenridge Town Code, and the
23 various secondary codes adopted by reference therein, shall continue in full force and effect.
24

25 Section 7. The Town Council hereby finds, determines and declares that it has the
26 power to adopt this ordinance pursuant to the provisions of Section 31-35-402(1)(f), C.R.S., and
27 the powers contained in the Breckenridge Town Charter.
28

29 Section 8. This ordinance shall be published and become effective as provided by
30 Section 5.9 of the Breckenridge Town Charter.
31

32 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
33 PUBLISHED IN FULL this ___th day of _____, 2015. A Public Hearing shall be held at the
34 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ___th day of
35 _____, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
36 Town.
37

38 TOWN OF BRECKENRIDGE, a Colorado
39 municipal corporation
40

41
42
43 By: _____
44 John G. Warner, Mayor
45
46

1 ATTEST:

2

3

4

5

6 _____
Helen Cospolich

7 Town Clerk

8

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17

TO: MAYOR AND TOWN COUNCIL
FROM: FINANCE AND MUNICIPAL SERVICES DEPARTMENT
SUBJECT: 2016 MILL LEVY
DATE: 11/3/2015
CC: TIM GAGEN, RICK HOLMAN

The attached Council Bill establishing the 2016 Property Tax Mill Levy at the rate of 5.07 mills per dollar of assessed valuation of property within the limits of the Town of Breckenridge is hereby submitted to the Council for first reading.

The 5.07 mills are for the purpose of defraying the expenses of the General fund. There is no change from the 2015 mill levy.

1 **FOR WORKSESSION/FIRST READING – NOV. 10**

2
3 COUNCIL BILL NO. 34

4
5 Series 2015

6
7 AN ORDINANCE SETTING THE MILL LEVY WITHIN THE
8 TOWN OF BRECKENRIDGE FOR 2016
9

10 WHEREAS, the Town Council of the Town of Breckenridge has determined that a mill
11 levy of 5.07 mills upon each dollar of the assessed valuation of all taxable property within the
12 Town of Breckenridge is needed to balance the 2016 Town budget.

13
14 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
15 BRECKENRIDGE, COLORADO:
16

17 Section 1. For the purposes of defraying the expense of the General Fund of
18 Breckenridge, Colorado for the fiscal year 2016, there is hereby levied a tax of 5.07 mills upon
19 each dollar of assessed valuation for all taxable property within the Town of Breckenridge.
20

21 Section 2. The Town Clerk is authorized and directed, after adoption of the budget by the
22 Town Council, to certify to the Board of County Commissioners of Summit County, Colorado,
23 the tax levies for the Town of Breckenridge, Colorado as herein set forth.
24

25 Section 3. This ordinance shall be published and become effective as provided by
26 Section 5.9 of the Breckenridge Town Charter.
27

28 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
29 PUBLISHED IN FULL this 10th day of November, 2015. A Public Hearing shall be held at the
30 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24th day of
31 November, 2015, at 7:30 P.M. or as soon thereafter as possible in the Municipal Building of the
32 Town.
33

34 TOWN OF BRECKENRIDGE, a Colorado
35 municipal corporation
36

37
38 By _____
39 John G. Warner, Mayor
40

41 ATTEST:
42
43

44 _____
45 Helen Cospolich , Town Clerk
46

MEMO

TO: Breckenridge Town Council
FROM: Laurie Best, Community Development Department
RE: Huron Landing Ordinance-1st Reading

**AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY TO
THE TOWN OF BRECKENRIDGE (Huron Landing-1.48 acres,
more or less)**

**AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY
IN LAND USE DISTRICT 5 (Huron Landing-1.48 acres, more or
less)**

DATE: November 3, 2015 (for November 10, 2015)

On August 10th the Town received a Petition for Annexation for the County-owned property on Huron Road. A sufficiency resolution (which confirms that the Petition is sufficient) was adopted by Council on October 13, 2015 and a public hearing for the annexation and a fact finding resolution are scheduled for your next meeting on November 24th. The Town and the County are collaborating on the development of affordable workforce housing on this site and are targeting a construction start in the spring. In order to achieve that schedule the annexation ordinance and zoning ordinance are being processed concurrently and the 1st reading of both of these ordinances is scheduled for your consideration on November 10th. The second reading of these ordinances will be schedule on November 24th after the public hearing and fact finding resolution.

The first ordinance that is scheduled for your consideration is the annexation ordinance to extend the municipal boundaries to include this property. After annexing property into Town, the Town is required by Statute to formally zone the property within 90 days by placing it in a Land Use District. In this case we have also prepared a second ordinance which will place the property in Land Use District 5 which is the designated district for this property pursuant to the Town's Master Plan. This district is primarily Service Commercial but can accommodate the residential use that is proposed. The property is currently zoned for Industrial Uses under the County code and was previously used as a public works yard, recycling facility, and ambulance garage.

Staff is continuing the work on the site plan and architecture for the new residential project. We have presented to Planning Commission, and are designing the project to Town standards and anticipate final entitlements in January. Staff is also preparing a partnership agreement to detail the County/Town collaboration for the development, financing, and management of the units. This partnership agreement will be discussed with Town Council on the November 24th meeting.

Recommendation:

Staff recommends approval on first reading of both the Annexation Ordinance and the Land Use District Ordinance. Staff will be available at your meeting to discuss this project and answer questions.

1 **FOR WORKSESSION/FIRST READING – NOV. 10**

2
3 COUNCIL BILL NO. ____

4
5 Series 2015

6
7 AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY TO
8 THE TOWN OF BRECKENRIDGE
9 (Huron Landing – 1.48 acres, more or less)

10
11 WHEREAS, the Town Council of the Town of Breckenridge has found a Petition For
12 Annexation of the hereinafter described parcel of land to be in substantial compliance with the
13 requirements of Section 31-12-107(1), C.R.S.; and

14
15 WHEREAS, after notice as required by Section 31-12-108, C.R.S., the Town Council
16 held a public hearing on the proposed annexation on November 10, 2015; and

17
18 WHEREAS, the Town Council has by resolution determined that the requirements of
19 Sections 31-12-104 and 105, C.R.S., have been met; that an election is not required; and that no
20 additional terms or conditions are to be imposed on the annexed area.

21
22 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
23 BRECKENRIDGE, COLORADO:

24
25 Section 1. The following described parcel of land, to wit:

26
27 PARCEL A: Government Lot 45, Section 30, Township 6 South, Range 77 West of the
28 6th Principal Meridian, County of Summit, State of Colorado

29 AND

30 PARCEL B: Parcel E, I-1 Industrial Area, According to the plat filed November 8, 1977
31 under Reception No. 170069, County of Summit, State of Colorado,

32
33 Said two parcels being more further described as follows:

34
35 BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 13, THE
36 HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, ACCORDING TO THE
37 PLAT OF THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1,
38 RECORDED SEPTEMBER 15, 1994 AT RECEPTION NUMBER 476056. SAID
39 POINT IS THE TRUE POINT OF BEGINNING.

40 THENCE CONTINUING THE FOLLOWING SEVEN COURSES:

- 41 1.) S 54°09'38" E A DISTANCE OF 250.00 FEET;
42 2.) S 57°15'00" W A DISTANCE OF 88.32 FEET;
43 3.) S 10°00'29" E A DISTANCE OF 147.77 FEET;
44 4.) N 54°12'03" W A DISTANCE OF 146.42 FEET;

1 5.) 89.36 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT
2 HAVING A RADIUS OF 241.92 FEET AND A CENTRAL ANGLE OF 21°09'50".
3 CHORD BEARING IS N66°13'22" W AND CHORD LENGTH IS 88.85 FEET.
4 6.) N 76°19'00" W A DISTANCE OF 218.93 FEET;
5 7.) N 57° 15'00" E A DISTANCE OF 307.62 FEET TO THE TRUE POINT OF
6 BEGINNING CONTAINING 1.48 ACRES MORE OR LESS
7

8 is hereby annexed to and made a part of the Town of Breckenridge, Colorado.
9

10 Section 2. The annexation of the abovedescribed property shall be complete and
11 effective on the effective date of this ordinance, except for the purpose of general property taxes,
12 and shall be effective as to general property taxes on and after January 1, 2016.
13

14 Section 3. Within thirty (30) days after the effective date of this ordinance, the Town
15 Clerk is authorized and directed to:

- 16
- 17 A. File one copy of the annexation map with the original of the annexation
18 ordinance in the office of the Town Clerk of the Town of Breckenridge,
19 Colorado; and
20
 - 21 B. File for recording three certified copies of the annexation ordinance and
22 map of the area annexed containing a legal description of such area with
23 the Summit County Clerk and Recorder.
24

25 Section 4. This ordinance shall be published and become effective as provided by law.
26

27 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
28 PUBLISHED IN FULL this ____ day of _____, 2015. A Public Hearing shall be
29 held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the
30 ____ day of _____, 2015, at 7:30 P.M. or as soon thereafter as possible in the Municipal
31 Building of the Town.
32

33 TOWN OF BRECKENRIDGE, a Colorado
34 municipal corporation
35

36
37 By: _____
38 John G. Warner, Mayor
39

40 ATTEST:
41
42
43

44 _____
45 Helen Cospolich
46 Town Clerk
47

1300-62\Annexation Ordinance (10-20-15)(First Reading)

MEMO

TO: Breckenridge Town Council
FROM: Laurie Best, Community Development Department
RE: Huron Landing Ordinance-1st Reading

**AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY TO
THE TOWN OF BRECKENRIDGE (Huron Landing-1.48 acres,
more or less)**

**AN ORDINANCE PLACING RECENTLY ANNEXED PROPERTY
IN LAND USE DISTRICT 5 (Huron Landing-1.48 acres, more or
less)**

DATE: November 3, 2015 (for November 10, 2015)

On August 10th the Town received a Petition for Annexation for the County-owned property on Huron Road. A sufficiency resolution (which confirms that the Petition is sufficient) was adopted by Council on October 13, 2015 and a public hearing for the annexation and a fact finding resolution are scheduled for your next meeting on November 24th. The Town and the County are collaborating on the development of affordable workforce housing on this site and are targeting a construction start in the spring. In order to achieve that schedule the annexation ordinance and zoning ordinance are being processed concurrently and the 1st reading of both of these ordinances is scheduled for your consideration on November 10th. The second reading of these ordinances will be schedule on November 24th after the public hearing and fact finding resolution.

The first ordinance that is scheduled for your consideration is the annexation ordinance to extend the municipal boundaries to include this property. After annexing property into Town, the Town is required by Statute to formally zone the property within 90 days by placing it in a Land Use District. In this case we have also prepared a second ordinance which will place the property in Land Use District 5 which is the designated district for this property pursuant to the Town's Master Plan. This district is primarily Service Commercial but can accommodate the residential use that is proposed. The property is currently zoned for Industrial Uses under the County code and was previously used as a public works yard, recycling facility, and ambulance garage.

Staff is continuing the work on the site plan and architecture for the new residential project. We have presented to Planning Commission, and are designing the project to Town standards and anticipate final entitlements in January. Staff is also preparing a partnership agreement to detail the County/Town collaboration for the development, financing, and management of the units. This partnership agreement will be discussed with Town Council on the November 24th meeting.

Recommendation:

Staff recommends approval on first reading of both the Annexation Ordinance and the Land Use District Ordinance. Staff will be available at your meeting to discuss this project and answer questions.

1 **FOR WORKSESSION/FIRST READING – NOV. 10**

2
3 COUNCIL BILL NO. ____

4
5 Series 2015

6
7 AN ORDINANCE PLACING RECENTLY ANNEXED
8 PROPERTY IN LAND USE DISTRICT 5
9 (Huron Landing – 1.48 acres, more or less)

10
11 WHEREAS, by Ordinance No. ____, Series 2015, adopted November 24, 2015, the real
12 property described in Section 1 of this ordinance was annexed into and made a part of the Town
13 in accordance with the Municipal Annexation Act of 1965 (Part 1 of Article 12 of Title 31,
14 C.R.S.); and

15
16 WHEREAS, the Town is required by Section 31-12-115(2), C.R.S., to zone all newly
17 annexed areas within ninety (90) days after the effective date of the annexation ordinance; and

18
19 WHEREAS, the Town’s Planning Commission has recommended that the recently
20 annexed parcel be placed within Land Use District 5; and

21
22 WHEREAS, the Town’s Annexation Plan adopted pursuant to Section 31-12-105(1)(e),
23 C.R.S., indicates that the property should be placed in Land Use District 5.

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

27
28 Section 1. The following described real property:

29
30 PARCEL A: Government Lot 45, Section 30, Township 6 South, Range 77 West of the
31 6th Principal Meridian, County of Summit, State of Colorado

32 AND

33 PARCEL B: Parcel E, I-1 Industrial Area, According to the plat filed November 8, 1977
34 under Reception No. 170069, County of Summit, State of Colorado,

35
36 Said two parcels being more further described as follows:

37
38 BEGINNING AT A POINT ON THE SOUTH BOUNDARY LINE OF LOT 13, THE
39 HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1, ACCORDING TO THE
40 PLAT OF THE HIGHLANDS AT BRECKENRIDGE FILING NUMBER 1,
41 RECORDED SEPTEMBER 15, 1994 AT RECEPTION NUMBER 476056. SAID
42 POINT IS THE TRUE POINT OF BEGINNING.

43 THENCE CONTINUING THE FOLLOWING SEVEN COURSES:

- 44 1.) S 54°09'38" E A DISTANCE OF 250.00 FEET;
45 2.) S 57°15'00" W A DISTANCE OF 88.32 FEET;

- 1 3.) S 10°00'29" E A DISTANCE OF 147.77 FEET;
- 2 4.) N 54°12'03" W A DISTANCE OF 146.42 FEET;
- 3 5.) 89.36 FEET ALONG THE ARC OF A NON TANGENT CURVE TO THE LEFT
- 4 HAVING A RADIUS OF 241.92 FEET AND A CENTRAL ANGLE OF 21°09'50".
- 5 CHORD BEARING IS N66°13'22" W AND CHORD LENGTH IS 88.85 FEET.
- 6 6.) N 76°19'00" W A DISTANCE OF 218.93 FEET;
- 7 7.) N 57° 15'00" E A DISTANCE OF 307.62 FEET TO THE TRUE POINT OF
- 8 BEGINNING CONTAINING 1.48 ACRES MORE OR LESS.

9
10 is placed in Breckenridge Land Use District 5. The Town staff is directed to change the Town's
11 Land Use District Map to indicate that the abovedescribed property has been annexed and placed
12 within Land Use District 5.

13
14 Section 2. The Town Council finds, determines, and declares that this ordinance is
15 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and
16 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants
17 thereof.

18 Section 3. The Town Council finds, determines, and declares that it has the power to
19 adopt this ordinance pursuant to: (i) Section 31-12-115(2), C.R.S.; (ii) the Local Government
20 Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (iii) Part 3 of Article 23 of Title
21 31, C.R.S. (concerning municipal zoning powers); (iv) Section 31-15-103, C.R.S. (concerning
22 municipal police powers); (v) Section 31-15-401, C.R.S.(concerning municipal police powers);
23 (vi) the authority granted to home rule municipalities by Article XX of the Colorado
24 Constitution; and (vii) the powers contained in the Breckenridge Town Charter.

25 Section 4. This ordinance shall be published and become effective as provided by
26 Section 5.9 of the Breckenridge Town Charter.

27 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
28 PUBLISHED IN FULL this ____ day of _____, 2015. A Public Hearing shall be held at the
29 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
30 _____, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
31 Town.

32
33 TOWN OF BRECKENRIDGE, a Colorado
34 municipal corporation

35
36
37 By _____
38 John G. Warner, Mayor
39
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ATTEST:

Town Clerk



MEMORANDUM

TO: Town Council
FROM: Scott Reid, Open Space and Trails Planner
DATE: November 3, 2015 (for November 10, 2015 meeting)
SUBJECT: Ordinance to sell 391 High Point property

Attached, please find an ordinance for first reading stating Town Council's intent to sell the joint Town/County-owned lot in Breckenridge Heights (391 High Point Drive) to Kevin and Stacy Shelden. The ordinance is needed for the Town to sell its interest in the property.

The Town of Breckenridge and Summit County open space programs agreed to jointly purchase the subject property with the intent of securing a public trail access and subsequently reselling the lot. The Town and County closed on the property on October 14, 2015 for \$200,000. Since then, Turk Montepare has negotiated a sale of the property to Kevin and Stacy Shelden.

Although the final contract has not yet been finalized, the deal points include:

- \$205,000 purchase price
- Cash sale
- Closing by December 31, 2015
- Subject to the recordation of the Town and County trail easement agreement

Staff is working to finalize the language for both the sale contract and trail easement, but requests Town Council approve this ordinance on first reading so that the second reading can occur before the yearend closing. If the property closes under these terms, the Town and County will have secured the public trail easement (estimated value of \$5,000) and also sold the property at a small financial gain (approximately \$2,000 once closing, surveying and tree clearing costs are accounted for).

Staff requests Town Council approve the attached ordinance on first reading so that the agreed upon sale of 391 High Point can proceed on schedule.

I will be happy to answer any questions on Tuesday.

1 **FOR WORKSESSION/FIRST READING – NOV. 10**

2
3 COUNCIL BILL NO. ____

4
5 Series 2015

6
7 AN ORDINANCE APPROVING THE SALE OF THE TOWN’S INTEREST IN
8 CERTAIN REAL PROPERTY

9 (Lot 6, Block 4, Breckenridge Heights Filing No. 2 – Shelden)

10
11 WHEREAS, the Town of Breckenridge and the Board of County Commissioners of Summit
12 County, Colorado own the following described real property:

13
14 Lot 6, Block 4, Breckenridge Heights Filing No. 2 Corrected Amendment
15 according to the plat thereof recorded March 04, 1966 under Reception No.
16 104345 of the records of the Clerk and Recorder of Summit County, Colorado;
17 also known as 391 High Point Drive, Breckenridge, Colorado 8024

18
19 (“Property”)

20
21 ; and

22
23 WHEREAS, the Town desires to sell its interest in the Property to Kevin Shelden and Stacy
24 Shelden; and

25
26 WHEREAS, a proposed Contract to Buy and Sell Real Estate (Land) between the Town and
27 the Board of County Commissioners of Summit County, Colorado, as sellers, and Kevin Shelden
28 and Stacy Shelden, as buyers, has been prepared, a copy of which is marked **Exhibit “A,”** attached
29 hereto, and incorporated herein by reference (“**Agreement**”); and

30
31 WHEREAS, the Town Council has reviewed the proposed Agreement, and finds and
32 determines that it would be in the best interest of the Town and its residents for the Town to enter
33 into the proposed Agreement; and

34
35 WHEREAS, Section 15.3 of the Breckenridge Town Charter provides that the Town
36 Council may lawfully authorize the sale of Town-owned real property by ordinance; and

37
38 WHEREAS, the Agreement has previously been executed by the Town Manager on
39 behalf of the Town, and it necessary and appropriate for the Town Council to ratify the previous
40 execution of the Agreement by the Town Manager.

41
42 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF
43 BRECKENRIDGE, COLORADO:

44
45 Section 1. The Agreement between the Town and the Board of County Commissioners of
46 Summit County, Colorado, as sellers, and Kevin Shelden and Stacy Shelden, as buyers, (**Exhibit**

1 “A” hereto), as described above, is approved, and the Town Manager’s previous execution of such
2 Agreement for and on behalf of the Town of Breckenridge is ratified, confirmed, and approved.
3

4 Section 2. The Town Manager is authorized, empowered, and directed to take all necessary
5 and appropriate action to close the sale of the Town’s interest in the Property contemplated by the
6 Agreement. In connection therewith, the Town Manager shall have full power and authority to do
7 and perform all matters and things necessary to the sale of the Property pursuant to the Agreement,
8 including, but not limited to, the following:
9

- 10 1. The making, execution, and acknowledgement of settlement
11 statements, extension agreements, closing agreements, and other
12 usual and customary closing documents;
13
- 14 2. The execution, acknowledgement and delivery to the Buyer of the
15 deed of conveyance for the Town’s interest in the Property; and
16
- 17 3. The performance of all other things necessary to the sale of the
18 Town’s interest in the Property by the Town pursuant to the
19 Agreement.
20

21 All action taken by the Town Manager pursuant to the authority granted by this Section 2 is ratified,
22 confirmed, and approved in advance by the Town Council.
23

24 Section 3. 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 Section 15.3 of the Breckenridge Town Charter.
27

28 Section 4. This ordinance shall be published and become effective as provided by Section
29 5.9 of the Breckenridge Town Charter.
30

31 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
32 PUBLISHED IN FULL this ____ day of _____, 2015. 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 _____, 2015, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the
35 Town.
36

37 TOWN OF BRECKENRIDGE, a Colorado
38 municipal corporation
39

40
41
42 By: _____
43 John G. Warner, Mayor
44
45

1 ATTEST:

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Helen Cospolich
Town Clerk

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: October 21, 2015

Re: Planning Commission Decisions of the October 20, 2015, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF October 20, 2015:

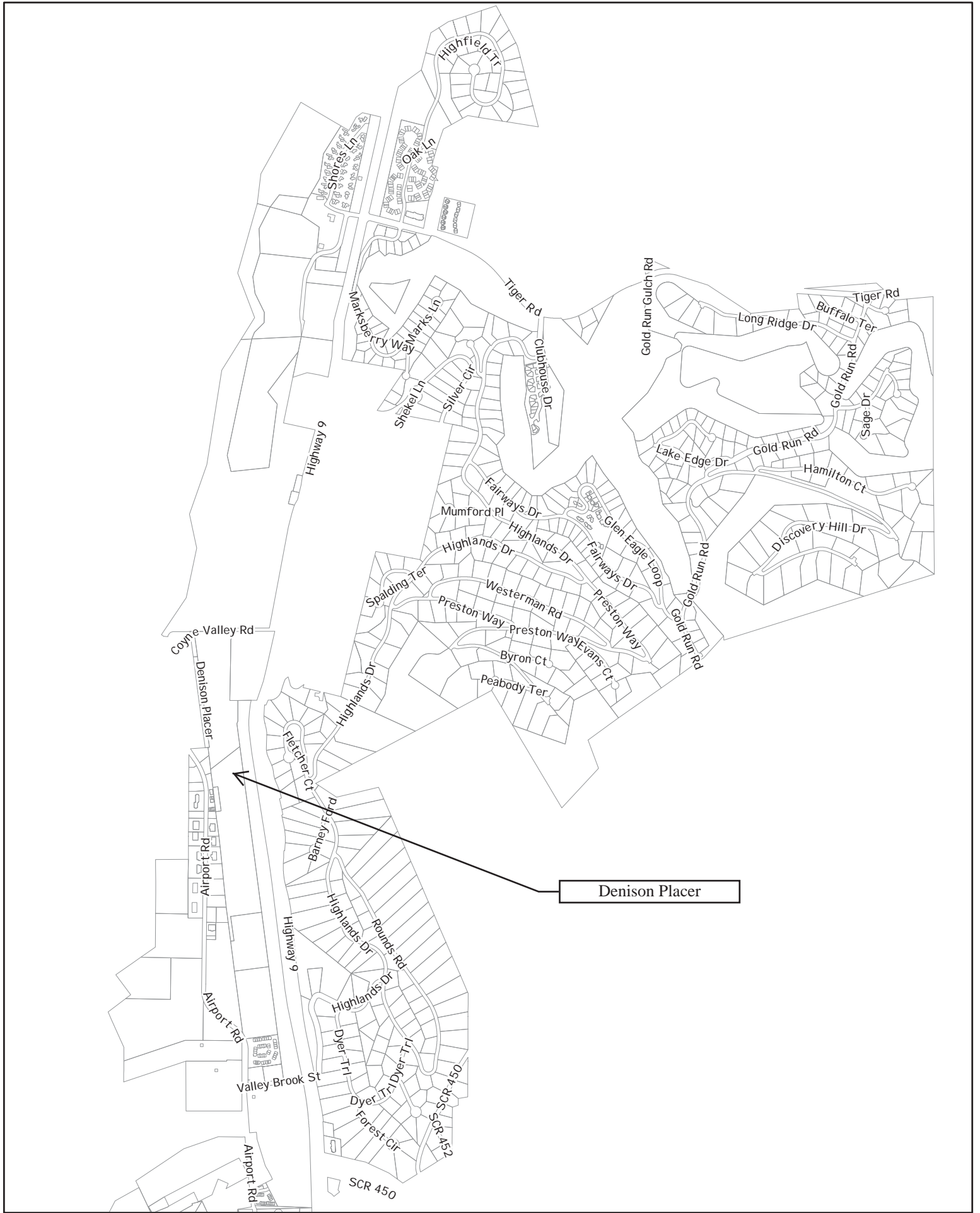
CLASS C APPLICATIONS: None.

CLASS B APPLICATIONS: None.

CLASS A APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.



Town of Breckenridge and Summit County governments assume no responsibility for the accuracy of the data, and use of the product for any purpose is at user's sole risk.

Breckenridge North

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher	Ron Schuman	Dan Schroder
Eric Mamula	Jim Lamb	Gretchen Dudney
Dave Pringle		

Wendy Wolfe, Town Council Liaison, was absent.

APPROVAL OF MINUTES

With no changes, the October 6, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the October 20, 2015, Planning Commission Agenda was approved as presented.

TOWN COUNCIL REPORT:

Ms. Wolfe was absent but sent word that there is a Town Council budget retreat on October 27 if you are interested.

WORKSESSIONS:

1) Denison Placer (JP/LB)

Ms. Best presented. This discussion is slightly different from all the detail in your packet. We have recently learned some additional information regarding CHAFA tax financing and cost saving measures for construction and maintenance than what is in your packet tonight. In addition to the plan in your packet tonight we will also look at a revised site plan which takes some changes into account. This is still a working document and is evolving as we get further in the design and referral process.

Ms. Puester added that there are many similarities between the plan in the packet and the one you will see tonight. The elevations on some of the buildings will be extremely similar and we would like your input. The plans in the packet, Denison Placer housing, is 5.37 acres with 65- two and three bedroom townhome rental units within 60,800 square feet of density (38 residential SFEs) as well as 2,400 square feet of leasing office/maintenance space (2.4 commercial SFEs). The density proposed is approximately 7.08 UPA; under the allowed 20 UPA. A public right of way (Floradora Drive) is being extended with private streets with on-street parking perpendicularly bisecting the ROW. A bus pull off stop and temporary bus turnaround is proposed. There is a large 150 foot sewer easement running diagonally through the property constraining the site. The Breckenridge Sanitation District has given verbal consideration that the easement can be reduced in size. This plan is based on that assumption and will be confirmed as this project undergoes the entitlement process.

We will go over the plan in the packet and then I will turn it over to Coburn Architects to go through the modifications that have been made since the packet was published. As Laurie mentioned, this is going through a LIHTC process and the Council direction has been to be ready for the next application deadline. The purpose of the work session is to see if the Planning Commission is satisfied with the general direction of the project and is comfortable with Staff's initial interpretation of points. To facilitate the discussion, staff has identified key components of the proposal and Policies where points may be warranted.

Staff recommended point totals: Social Community positive 13 (+13) and Placement of Structures negative three (-3) for a total of positive ten (+10) on the plan in your packet.

Staff would like Planning Commission input on the draft point analysis and would also look for any additional comments or concerns before this project moves forward to a preliminary hearing.

1. Did the Commission find that the proposed natural wood accents which include beams, bellyband, trim, and stair railings on the buildings meet the required amount of accent material on the elevations?
2. Was the Commission supportive of the preliminary point analysis?
3. Any potential code concerns with the new plan?

The units we would like your opinion on tonight are those that don't have tuck under parking as that relates to the new plan. We want the Commission reaction on these presented and the proposed exterior material and being mostly cementitious, does it meet our code and past precedent related to natural accent material? Code calls for natural stone or natural wood when using all cementitious siding. All the accent pieces on stairs, railings, window trim, belly bands, post beams, decking will be natural wood.

Staff has no concerns with the building height as it will stay within the 35' to the mean limitation in the LUGs. There will be a lot of grading on this site and over all of Block 11. There will be 50,000 cubic feet of material removed from this portion of the site to relate better with the river and create a better relationship consistent with the vision plan.

(Ms. Dudney: Will the height be at the new grade?) Ms. Puester: Yes, it will be measured from the new grade. Social Community Policy 24 will apply to both sites; +10 points for workforce housing and +3 points for Council Goals. There are streetscaping trees with this plan in terms of landscaping which is a more formal treatment.

(Mr. Mamula: The HOA will be responsible for the private street system?) Ms. Best: The property management company will be. Floradora will be maintained by the Town and is public ROW. This is a maintenance cost issue and one reason you will see some changes on the next reiteration of the plan. This will be a Class A project similar to Pinewood II as we have to have a process that assumes the property is owned by a separate entity. The Town will have control of the site but it won't be owned by the Town. The LLLP will build, own and operate it and in 15 years the property will revert back to the Town.

Commissioner Questions / Comments:

Mr. Pringle: Is it too preliminary to ask about grading and the relationship with the CMC Property? (Ms. Puester: The grading will tie into the CMC property.)

Mr. Mamula: We regraded the CMC property before it went in. (Ms. Puester: We don't have any USGS detailed elevations yet, but the grading plan isn't 100% finalized yet.) The C131 page has skier parking and snow storage, but they have 600-700 spaces they use realistically. Are we putting the cart before the horse here? Where are those spaces going? (Mr. Grosshuesch: We are doing the parking transit study where we will look at that issue, and we plan to talk to the ski area about their 200 parking spaces at the base of Peak 8 that are required as well, and then thirdly, we have in process, the McCain master plan that shows 500 spaces and could potentially be used to satisfy the Town's obligation. This will be addressed but we don't know which of these 3 options will come first or how they will end up.) (Ms. Best: This is a 2017 construction project although we will be doing the rock removal in 2016.) This is a Council issue but there is a reality about the number of spaces and I'm worried about the cart before the horse however I understand we want the CHFA funding. (Mr. Grosshuesch: This isn't the project that will cause the squeeze; it is down the road on Block 11.) (Ms. Best: CHFA is very, very competitive and they will evaluate our project against other projects. The tuck under parking is an awesome amenity, but we really don't want to drive cost with extra amenities so the current plan relies on surface parking and we may actually gain a few units.)

Ms. Dudney: Exterior materials don't include stone because of the economic issue? (Mr. Pete Weber, Coburn Architects: Yes, it is minimal to satisfy the cost per unit.)

Mr. Schuman: There is no guarantee that you will get CHFA funds. (Ms. Best: If we don't get the 9% tax

credits on this Council will have to decide how to proceed with the project. You can go through multiple rounds of CHFA to eventually get approval)

Mr. Schroder: Could we do this again and again? (Ms. Best: The 15 year tax credit period is how long we need to maintain certain rental rates and insure the credits to our equity investor. It doesn't mean that we can't do other LIHTC projects. Pinewood 2 is a 4% project. Block 11 allows for a variety of different types of projects and we will continue to build based on need and financing options.)

Mr. Pete Weber, Principal of Coburn, presented the newly revised plan:

I think we came up with some changes that reduce the cost but still provide residents with a quality apartments and the community with a project that meets local standards/expectation. The easement stays the same, the boundary moves about 40' to the south. We kept the overall circulation plan the same. Floradora is the street that continues through Block 11 as the main street. Also, we kept the largest building on Airport Road, thinking that the larger buildings should be closer to the existing larger buildings on Airport Road. The main difference is that now all the parking is on the surface. Plowing is easier and project is less expensive. We moved the community building to now be surrounded by park. We now have a total of 70 units as opposed to 65, with the entire being closer to 100 units with the future phase 2. There is a lot of work to be done still that we haven't had time to explore, but our goal is that the architecture and unit types look different to increase the diversity across the site. Also more room to make it look less like a parking lot and more like a street. Also, the corner building as an apartment building will be less costly per unit and will be a better fit to put townhomes more on the interior of the overall site. A lot of work to be done still; we just want your input on this plan on overall layout. (Ms. Puester: It would be a more formalized streetscape on Floradora looking more like row homes similar to what we've seen in Boulder on past field trips and will be on one of the places we are going to on Thursday. Backing up to Airport Road will be more parking lot functions. The visibility into the site from the highway will be the homes.) (Mr. Grosshuesch: The cut out on Denison Placer south of the easement is a parking lot and that easement was granted to the building that fronts on Airport Road and this is a constraint.)

Commissioner Questions / Comments (Continued):

Ms. Dudney: I understand that the townhouse will front to Floradora, but do you want it to look like parking from Airport Rd. Should that view be our primary concern? (Ms. Best: I don't think you will see the parking from Airport Road because it will be screened by the existing commercial buildings.)

Mr. Mamula: One of the other things on the master plan was how it looked from the highway. The goal was that it didn't look bad from Highway 9. I like the parking facing the commercial better. It would be nice if you could streetscape next to the buildings with parallel parking next to the townhomes on street, and then more parking on the other side. (Ms. Best: We are shooting for 2 parking spaces per unit. Also, we are looking for ease of plowing.) (Mr. Weber showed another view of how Floradora would look on the overall Block 11 plan.)

Ms. Dudney: Why not do phase 2 at the same time and bring cost down? (Ms. Best: 65-70 units seemed to be the sweet spot on the 9% tax incentive. Phase 2 is the property we will acquire in a land swap from CMC. Our thoughts are to keep phase 2 for a future project possibly with CMC as a partner. Involving CMC in the Phase 1 LIHTC project would create complications relative to LIHTC since units cannot be restricted except based on income.) (Ms. Puester: This second plan I don't think there is a need for as many trash enclosures; we probably see less visual enclosures because it is tighter.)

Mr. Mamula: Any thought about not doing recycling since you are so close to the new recycling center?

Ms. Christopher: Is there street pick up? (Ms. Puester: The Code requires dumpsters for more than 6 units.)

Ms. Dudney: What is the thinking for the little piece designated as snow storage? (Ms. Best: It could be a place for community center.) It could be a place for athletic options. (Ms. Best: The leasing space is set up for community center, including a possible kitchen, multipurpose room.)

- Mr. Pringle: Is it the notion that every parcel has its own community room? (Ms. Best: It is really important for the application to have on-site leasing and on site manager and to have multi-purpose support services. Community rooms look good for the application. They are looking for support services with people who are in this low AMI.) Couldn't you do this with a leasing trailer?
- Mr. Mamula: This is an on-going leasing office since its rental. (Ms. Puester: Thursday on the field trip will be a good opportunity to look at a different project that has a similar feel.) Since it's a rental property there really isn't a HOA but a management company that the town hires and they will charge a fee that won't be able to exceed the AMI? (Ms. Best: Yes, LIHTC will require considerable compliance checks for the duration of the credits) (Mr. Grosshuesch: They will audit you and that is why you want to have a solid rental process. It's very detailed.)
- Ms. Dudney: Do tenants have to qualify every year? (Ms. Best: Yes, but in case the tenants earn more next year I don't think you have to move immediately.)

Commissioner Summary Questions / Comments:

- Ms. Dudney: I'm receptive to the architectural design; I'm open to what you've come up with. The parking worries me in terms of the ratio. The proportionate number of spaces between the 4 units and the 5 units is tough point. I understand why no tuck under. I understand this isn't double dipping so I'm ok with the 13 positive points. As for the use of natural materials, I'm ok; if it wasn't this project I probably wouldn't be ok with this little wood. I'm open to seeing the next round.
- Mr. Pringle: The materials are satisfactory; it's how you put them together. I would like to see an upgrade on the architectural materials but I'm sensitive to cost. Now that we are seeing more and more affordable housing, when you drive through other communities it is very easy to pick it out. I would like it to be indistinguishable as much as possible. I'll go with the 13 points although it does feel like a double dip. My biggest concern is the parking lot and thinking that if you live there would you want to have to park fairly far away. I would prefer to see parking closer to the units and reduce the big pool parking and perhaps find a better use to this big space. And perhaps put the leasing building across the street.
- Mr. Lamb: I'm glad we are addressing the 60 AMI and it's good to see a project like this. I think parking will be crucial. I would like to see at least 2 cars per unit. I'm fine with natural wood accents qualifying. I'm fine with the points. My one concern is when you regrade this I'd like to take into consideration the 100 year flood. I just want to bring this up.
- Ms. Christopher: I concur with everything. The parking is important to me as I live in an area where spaces aren't enough during certain periods of the year.
- Mr. Schroder: I like the mixed building elevations but don't give it the cheapest skins just because the target is 60 AMI. Isn't there a percentage of natural material like 25%? (Ms. Puester: It is for non natural such as stucco except for the cementitious siding. A few years ago, the code was revised because there are multiple concerns about wild fire and product longevity, the allowance for cementitious was given with no negative points if natural accents were provided.)
- Ms. Christopher: My opinion is that we need to be setting a precedent for everyone else; I wouldn't want to see so few natural accents here that we wouldn't approve it elsewhere. (Ms. Puester: Will return with examples of similar projects next time for precedent review.)
- Mr. Schuman: The natural wood accents are fine and I like the cementitious longevity and it will be a better looking long standing product. I like what we saw in this version. The parking, I think we need to have 2 parking spaces per unit, but I think the street parking will be a bigger headache for the Town or the Manager because as a property manager I know it is a pain. If you can get the parking closer that would be good. I'm supportive of the point analysis as long as we see the good project. I'm concerned that we are going to rush this through for a

deadline and then we will see it back here for a brand new project. We still want to make sure it is a good project no matter if it is a Town Project or not.

Mr. Pringle: Transportation building should be here.

Mr. Schuman: For example Val d'Isere; there are 3 hour parking spots, and the parking becomes an enforcement issue and some thought has to be given to that on how you make it work. At some point someone has to enforce it, people don't move just because you tell them. (Mr. Grosshuesch: The owners' rep on this project is an apartment manager and that is one their strengths. They will be looking for management design issues as we do this project.)

Mr. Mamula: I like both plans. I would like to be sensitive to the highway view as you come into Town. I'm totally fine with the architectural materials, corrugated metal that runs to the ground needs to be below finish grade. I don't want it to be above grade because it looks terrible like at Main Street Station. I'm fine with the 13 positive points, unless we bust height, I don't see any code issues that we can't get through. There are probably some things you can give back. In the end the big thing will be parking and I think you can solve this.

OTHER:

- 1) Class C Subdivisions Approved for Q3, 2015 (JP) (Memo Only)
- 2) Class D Majors Approved for Q3, 2015 (JP) (Memo Only)

Mr. Truckey: In a couple of weeks we will be holding a public open house on the McCain master plan. Mr. Berry asked that you don't attend this but know that we will be working on a work session on this topic.

Ms. Puester: Be here for bagels at 7:45 am on this Thursday for the field trip to Boulder. We will stop at McCain as we head out.

ADJOURNMENT:

The meeting was adjourned at 8:17pm.

Eric Mamula, Chair

MEMORANDUM

To: Town Council

From: Peter Grosshuesch, Director of Community Development

Date: November 4, 2015

Re: Planning Commission Decisions of the November 3, 2015, Meeting.

DECISIONS FROM THE PLANNING COMMISSION AGENDA OF November 3, 2015:

CLASS C APPLICATIONS:

- 1) Cottage #1, Cottages at Shock Hill (CK) PL-2015-0466, 12 Regent Drive
Construct a new single family residence with 5 bedrooms, 7 bathrooms, 3,608 sq. ft. of density and 4,250 sq. ft. of mass. *Approved 7-0.*
- 2) Cirillo Residence (CK) PL-2015-0484, 30 Peak Eight Court
Construct a new, single family residence with 4 bedrooms, 4.5 bathrooms, 3,628 sq. ft. of density and 4,212 sq. ft. of mass for a F.A.R. of 1:3.33. *Approved 7-0.*

CLASS B APPLICATIONS:

- 1) Casey Residence (MM) PL-2015-0310, 108 South Harris Street
Remodel the interior and exterior of the existing house. *Approved (7-0).*
- 2) Crepes a la Cart Exempt Large Vendor Cart (JP) PL-2015-0396, 309 South Main Street
Classify the existing Crepes a la Cart vendor cart as an “exempt large vendor cart” under Policy 49 (Absolute) of the Development Code. *Approved (7-0).*

CLASS A APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.

McCain Master Plan Modification
12965, 13215, 13217,
13221, 13250 Colorado
Highway 9



Huron Landing
0143 Huron Road



Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
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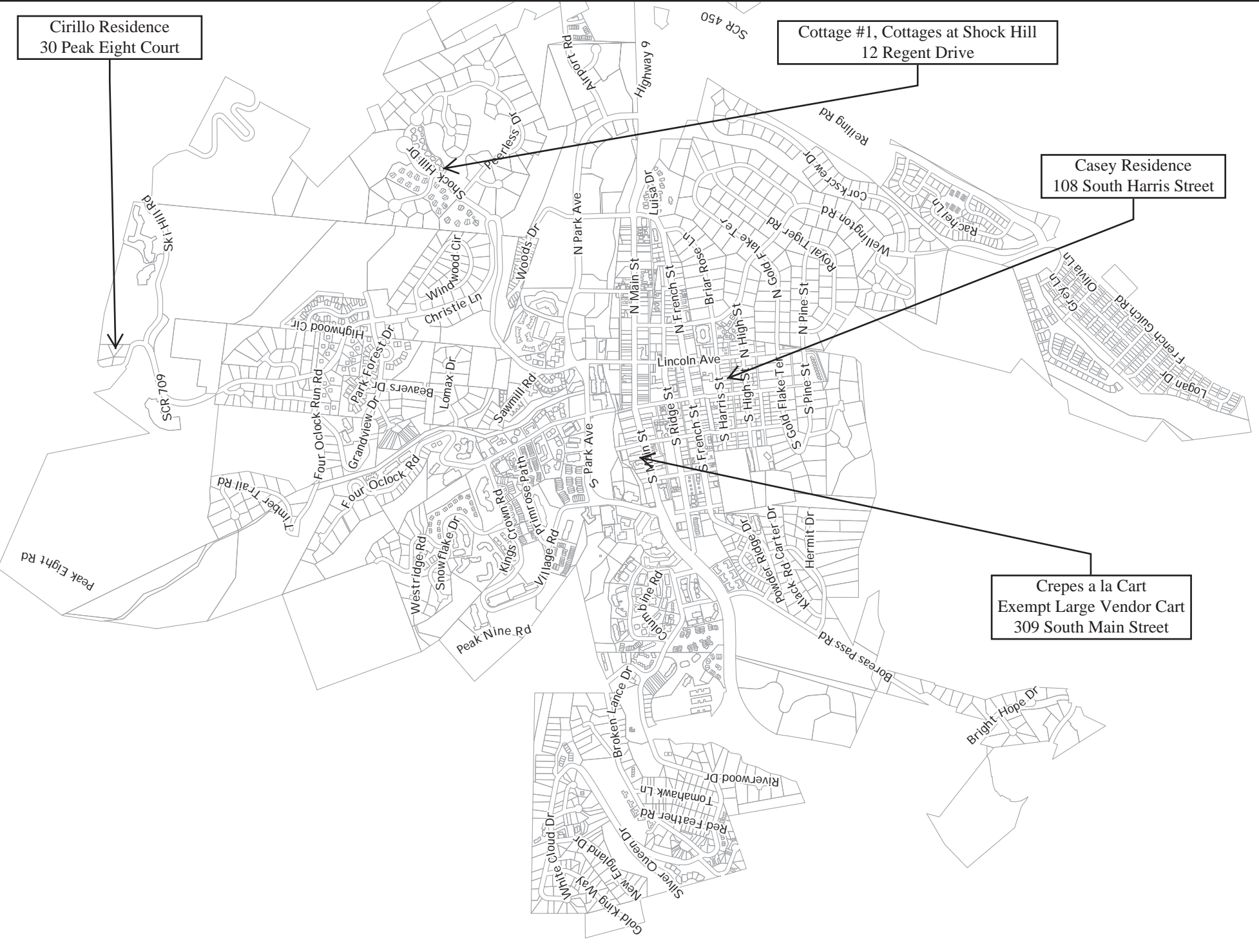
Breckenridge North

Cirillo Residence
30 Peak Eight Court

Cottage #1, Cottages at Shock Hill
12 Regent Drive

Casey Residence
108 South Harris Street

Crepes a la Cart
Exempt Large Vendor Cart
309 South Main Street



Breckenridge South

Town of Breckenridge and Summit County governments assume no responsibility for the accuracy of the data, and use of the product for any purpose is at user's sole risk.



PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher Ron Schuman Dan Schroder
Eric Mamula Jim Lamb Gretchen Dudney
Dave Pringle arrived at 7:05pm
Wendy Wolfe, Town Council Liaison, was absent

APPROVAL OF MINUTES

With no changes, the October 20, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

The Town Council Report was removed. With no other changes, the November 3, 2015, Planning Commission Agenda was approved as presented.

CONSENT CALENDAR:

- 1) Cottage #1, Cottages at Shock Hill (CK) PL-2015-0466, 12 Regent Drive
- 2) Cirillo Residence (CK) PL-2015-0484, 30 Peak 8 Court

Commissioner Questions / Comments:

Mr. Mamula: Is this the first Cottage to be built? (Mr. Kulick: No, this is one of the last Cottages to be built.)

With no requests for call up, the consent calendar was approved as presented.

WORKSESSIONS:

- 1) McCain Master Plan Modification (MT) PL-2015-0501, 13965, 13215, 13217, 13221, 13250 Colorado Highway 9

2)

Mr. Truckey presented. In 2013 the McCain Master Plan was adopted by the Town Council through the Town Project Process. The Plan provided general guidance regarding the types of uses that would be allowed within the 128 acre McCain site. The McCain Master Plan identified two tracts for the property. A number of governmental uses were allowed on the larger 90 acre tract and the smaller 38 acre tract was limited to open space and trail uses. McCain was seen as the future location for a number of governmental uses that now are located closer to the Town core, many on Block 11 (e.g., overflow skier parking, snow storage). As the plan for Block 11 is implemented, affordable housing units will displace these uses. In addition, it was recognized that McCain provided the best location for other uses such as a second water treatment plant and solar gardens.

The Town is now actively pursuing locating several of the uses outlined in the 2013 Master Plan on the McCain site. In particular, the Town is moving forward with plans for the second water treatment plant and a second solar garden. In addition, the Town Council has subsequently identified a couple uses (affordable housing and service commercial) for the property that were not identified in the 2013 Master Plan. As such, it was felt that a more detailed site plan/master plan to identify the specific locations of these and other uses was warranted.

Mr. Truckey discussed Town Council and BOSAC review. The Town Council has given direction to include affordable housing and service commercial as uses on the McCain site. They also wanted to ensure that a placeholder is made in the plan for a reservoir, if a future Council determines that a reservoir is needed. The BOSAC has reviewed the plan twice and supports the proposed Open Space Plan and trail concepts.

The concepts for the plan from north to south include: water treatment plant, affordable housing residential use, public works storage, solar gardens, service commercial, snow storage, open space, river corridor / open space, overflow parking, and the recycling center.

This worksession is intended to get the Planning Commission familiar with the proposed McCain Master Plan Modification and to see if there are any concerns the Commission has with the proposed plan. Any feedback the Planning Commission has is appreciated.

Ms. Elena Scott, Norris Design:

We had a public meeting earlier today so it was good to see a lot of public interest. I'm showing you an image with existing conditions today. Three goals: create a functional and aesthetic campus for governmental uses, second goal is to make this look good as it is our gateway and third goal is to restore river and the natural characteristics pre-dredge mining. (Explained the map that was shown.) Thought process was that Open Space was a big stakeholder and so there is a large open space tract of 23.5 acres. The goal is to create a beginner bicycle loop that is scenic, picnic friendly, fishing, developed series of trails and a multi-use rec path that connects to the blue River bikeway and loops through. Also, would like to make better use of snow storage space that isn't used in the summer. The second main use is solar. There is an existing 2.7 acre solar field with a 50 year lease. We would like to locate another there so that the electrical lines can be shared but have it be screened from Highway 9. This could be moving forward sooner than later as it doesn't need a lot of grading. Snow Storage is the next largest space, as this will be moved from Block 11. We want it to make sense from an access perspective. It will have some screening to it with berms and landscaping and how we plan for water to leave the site is built into the plan. Overflow parking is another primary use on the parking plan. It will accommodate up to 500 cars on the site and allow buses to turn around. We want this to be accessible and visible from the highway. Recycling center is in southwest corner and is under construction now, with close in access. The water treatment facility location is driven by the proximity to the utility lines. We also want to design the aesthetics of this building well as it is in the gateway view of the property. The residential is 10 acre portion and is located near the future Stan Miller residential and close to the Summit Stage bus system. This would be planned out over time with future studies. Service commercial 1.6 acres similar to the amount of acreage that is being leased now, for landscaping and other services. The reservoir location is going to be maintained as a future option if the Town decided that it was needed. (Showed an overlay of how this could be accommodated in the future.) Lastly, here is an illustrative overlay to showing how the trails and landscaping could be laid out with dual use between summer and winter.

Commissioner Questions / Comments:

Ms. Dudney: What acreage is used for overflow parking now in block 11? (Mr. Truckey: What we determined was that in 5 acres you can get 500 cars, which is what the town is obligated to provide for the ski area.) So in terms of the amount of space for parking, do the lost cars tie into parking garage? Are we thinking about how much we should provide versus what is required? (Mr. Truckey: Yes, there is a lot in play here; it is still kind of up in the air. The issue of the extra spaces (beyond 500) has not been accommodated in the Plan.) (Ms. Scott: When we started this planning, we met with Police Chief Shannon Haynes and we started with the premise of 500 spaces.) Doesn't Block 11 also allow people to park trailers short term? (Ms Scott: Yes, I think there are about 16 permits and they can be accommodated.)

Mr. Schuman: How much of the trails get lost if the lake is put in? (Ms. Scott: If they do have a reservoir, then the trails plan will have to be completely looked at again.)

Mr. Truckey continued. The policies that will be addressed here:

2A , 2R and 3R. Land Use District (LUD) 43 covers the entire site and all the uses that we've described are

allowed in LUD 43. The 2013 McCain Plan didn't include things like housing. It did allocated density at 1 unit per 20 acres (6.39 units of density), but since then the 6.39 units were extinguished and moved to another site, Pinewood II. Council thought we wouldn't need the density on McCain. LUD 43 also recognizes about 3.7 units of density for affordable housing--you can also transfer additional density for affordable housing in and no negative points are accrued. The governmental uses such as water treatment plant are exempted from the density plan. We don't actually recognize the density for things like outside commercial storage—only improved structures. Staff recommends setting an FAR for service commercial uses at 1:25; we know we want something that is less dense than Airport Road and Block 11. The LUGs for the adjacent Tatro parcel allow up to a maximum of 1:25 FAR. We will be looking for some Commission input on this. As far as architectural review there is some standards already set in the 2013 Master Plan and we plan to continue these. Site design (Policy 7/R) there will need to be a lot of disturbance, but there has already been a lot over time and this will improve conditions. Placement of structures, we have good setbacks. We have 150' setback implemented along the highway as a visual corridor. We believe that the circulation is addressed well in this plan. Also a good system of pedestrian and biking trails with a good connection to Stan Miller Drive that will be good for cyclists, moving the road crossing back away from the roundabout. We believe circulation will be improved. Landscaping is anticipated to be a big part of the future restoration budget. This accomplishes a lot of goals of Town Council: open space on river corridor, recycling facility, water treatment plant and affordable housing. At this point, we haven't identified any negative points for the project and believe it warrants a passing point analysis.

Commissioner Questions / Comments:

Mr. Schuman: When BBC was approved there were 2 additional buildings approved. Are those parcels or buildings still there? (Ms. Puester: Yes, they are still there and they are north of the McCain site.)

Mr. Mamula opened the worksession to Public Comment, and stated to remember that the Planning Commission is tasked to see if this meets the code of the Town. It is to make sure that what is planned fits with the Town's development code. There was no Public Comment and the worksession was closed.

Commissioner Questions / Comments:

Mr. Schuman: I think it is a good, well thought-out plan. The one concern I have is do we have enough commercial service in the mix. I see service commercial uses on Airport Road getting squeezed in the future.

Mr. Schroder: I think this is a good forward thinking idea and we know that Block 11 will no longer be available for its current uses. I think the design is strong with a lot of opportunities and future opportunities. I think that the residential component is in question of does it fit, but I think that we do want to pursue it here and I'm not concerned about it being too far away from Town.

Ms. Christopher: I don't see any code based issues. I do think that the residential is a little far away from Town. I think it might be better if the area was used for service commercial uses instead of residential but that is a personal opinion. I do think that the aesthetic look of the water treatment plant is important and this needs to be discussed.

Mr. Lamb: This is an evolving process and I don't see any code related problems with this. I'm ok with the residential area especially with the river. I think that commercial could fit too, but we need the residential there also.

Mr. Pringle: This is one in a series of master plans that we've seen over the years for McCain. I don't have a problem with this presentation. I think we should look at the amount of parking because we already exceed a need for parking and if we further reduce parking, we better have a good plan. In the end, making sure we can accommodate our winter guest is the key to our future. At one time we started talking about does affordable housing work if we take it that far out of town, does this still work if it is far away from existing services and

amenities? But with other public works and commercial traffic, I think we really need to be careful of how many units we would put here on the 10 acres. I want to make sure we get the amounts correct.

Ms. Dudney: I have some concern about the parking requirements and I urge the Council and staff to study the parking needs of the town. I don't have an opposition for the residential. I applaud moving the bike path and I love the children's beginner biking areas.

Mr. Mamula: I agree that it meets the code for the uses. I think the parking is a little light. Once it is all residential on Block 11, I feel like having a chunk for residential here is too much. I do agree with 1 to 25 FAR for the service commercial uses. I think with the price that weed pays for spaces on Airport Road, it would be nice if there were no weed stores here on McCain. I would like to see height set at 2 stories period rather than just be discouraged off of the 150 setback. I would like to have a building height discussion at least in the first 200 feet setback from LUD 4. I want to see that sidewalks are contemplated early in the residential planning. The trail situation is something that we desperately need in town. We have no beginner mountain bike trails around town. It would be nice to have something at grade so that we don't become a mountain bike Mecca for the hard core.

(Mr. Grosshuesch announced that both local Breckenridge ballot measures have passed with an 80% plurality.)

FINAL HEARINGS:

1) Casey Residence (MM) PL-2015-0310, 108 South Harris Street

Mr. Mosher presented a proposal to remodel the interior and exterior of the existing house.

Changes since the September 15, 2015, Meeting:

1. Removal of the 5 aspen trees located on the Solar Easement located on Lot 6, Block 7 to the south.
2. Lowered the 6-foot tall fence at the south side of the yard to 36-inches.
3. The transom windows have been removed.

The requested modifications to the initial plans for this project were minor. The overall plans have remained as they were presented at the preliminary hearing. Staff welcomed any Commissioner Comments.

Staff recommended the Planning Commission support the presented Point Analysis for the Casey Residence Remodel, PL-2015-0310), showing a passing score of zero (0) points.

Staff recommended that the Planning Commission approve the Casey Residence Remodel, PL-2015-0310, with the presented Findings and Conditions.

Mr. Mamula opened the hearing to Public Comment. There was no Public Comment and the hearing was closed.

Commissioner Questions / Comments:

Ms. Dudney: Great project.

Mr. Pringle: Thank you for making all the improvements.

Mr. Lamb: What's not to like? It is great to see the block get cleaned up.

Ms. Christopher: This is great.

Mr. Schroder: Let's do it.

Mr. Schuman: Great project.

Mr. Mamula: I agree too, great project.

Mr. Pringle made a motion to approve the point analysis for the Casey Residence, PL-2015-0310, 108 South

Harris Street, showing a passing score of zero (0) points. Mr. Schuman seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to approve the Casey Residence, PL-2015-0310, 108 South Harris Street, with the presented findings and conditions. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

Mr. Tim Casey, Applicant: It was a pleasure working with Mr. Mosher, and with his help the project went smoothly.

PRELIMINARY HEARINGS:

1) Huron Landing (CK) PL-2015-0499, 0143 Huron Road

Mr. Kulick presented a proposal to construct a 26-unit workforce housing rental apartment building. All units are proposed as 2 bedroom units and range in size from 768 to 944 sq. ft. There will be 52 surface parking spaces for the project. The trash collection and recycling will be by way of a centralized dumpster enclosure. The exterior materials will include: cementitious vertical siding, cementitious lap siding, powder coated corrugated steel base siding, wood post, beams, rails and trim, and an asphalt shingle roof.

Summit County Government and the Town of Breckenridge are developing the Huron Landing workforce housing project at 0143 Huron Road. The 2013 Summit County Housing Needs Assessment suggests that between 200 and 370 additional rental units are needed in the Upper Blue Basin by 2017. Since the time of the study, Breckenridge has been proactively working on developing rental housing, including Pinewood II (45 units by end of 2016) and Denison Placer (60 units by end of 2017). With the completion of these projects, the estimated housing need in the Upper Blue Basin will be cut to approximately 95-220 rental units. On September 1, 2015, the Planning Commission reviewed Huron Landing during a work session. During the work session staff received direction on relative policies. The property is currently going through the Town's Annexation process and is anticipated to be formally annexed on November 24th. Property annexation is required prior to the project being reviewed at a final hearing.

The only substantial changes from the work session to the preliminary hearing is a proposed retaining wall located behind the building and off-site grading and drainage improvements. Staff is looking for guidance on the possible assessment of points under Policy 7/R Site and Environmental Design related to the proposed retaining wall and off-site grading and drainage.

Point Analysis (Section: 9-1-17-3): Staff believes the proposal warrants the following points for a total passing point analysis of positive five (+5) points.

- Policy 24/R Employee Housing positive ten (+10) points and positive three (+3) points for meeting a Council Goal
- Policy 6/R Building Height positive one (+1) point for providing an interesting roof form that steps down at the edges
- Policy 16/R Internal Circulation positive three points (+3) for installation of a recreation path adjacent to Huron Road and the sidewalk that rings the parking lot
- Policy 20/R Recreation Facilities positive three points (+3) for the Flume Trail easement from Huron Road
- Policy 33/R positive two points (+2) for achieving a HERS score below 80,
- Policy 6/R Building Height negative ten points (-10) as the building height is more than one half (½) story over the land use guidelines recommendation, but are no more than one (1) story over the land use guidelines recommendation
- Policy 9/R Placement of Structures negative three (-3) points for not meeting the relative rear setback of 15'

- Policy 7/R Site and Environmental Design negative four (-4) points for a retaining wall over 4' in height

Matt Stais/ Tim Gerken (Architects) on behalf of Developers / Owners:

Concepts have not changed greatly from the September 1 worksession. Two driveway accesses, 26 units, the community needs and goals are still present. The revisions done since September 1 are the retaining walls on the back. We worked with some of the neighbors in the Highlands lots above to work with the existing grading and minimize impacts. We are also trying to improve some of the drainage issues. We want this to function better and in concert with the overall improvements to the road. Included an outdoor community area and worked with the County standards for a 10' paved walkway out front and continue to plan to take over the flume trail and revegetate the Kennington property. (Mr. Stais continued on to show 3D views, existing view with the massing of proposed buildings to better illustrate the proposal. The renderings displayed proposed roof, siding, fascia, with wood beams and base corrugated metal siding. Also went over the roof plan, 33' according to Town Code.) Plan to continue to work with neighbors and with staff and hope to submit for final review from the Commission.

Staff had the following questions for the Commission:

1. Did the Planning Commission agree with Staff's preliminary point analysis?
2. Did the Planning Commission have other concerns or comments on the proposal, specifically the proposed off-site grading and drainage improvements?

The Planning Department believes that Huron Landing, PL-2015-0499, located at 0143 Huron Road, Parcel E-1, Industrial Area Sub & Government Lot 45, 30-6-77, with a passing point analysis and addressing remaining staff concerns and easement approvals, is ready to be scheduled for a Final Hearing.

Commissioner Questions / Comments:

Mr. Schuman: We talked about the sidewalks; will they make it all the way to the corner which I know is off the property, as we are horse trading are we getting the sidewalk all the way to the highway? (Mr. Jim Curnutte, Summit County: We are currently discussing sidewalks all the way for County Road 450 and we have money in 2016 for design.) This project has 50 more people in who will want to get to the bus stop who will have to cross to do so. (Mr. Stais: The project should be completed by 2017 and the plan is to have the sidewalk all the way down to the corner before the project is completed. There is a host of other issues with County Road 450 which is out of the scope of this project.)

Mr. Pringle: Please show picture number 2 with the proposed elevation of the West building but from the facing east perspective, this doesn't look like a 2 story building. (Mr. Stais: If you look back on the existing conditions, the low site is where the ambulance building used to be and this is where we snuck in the accessible unit with a garden level unit. We were able to give it a bigger footprint. I agree that we should massage this a little more.) (Mr. Kulick: The shed roof that is presented here; does make it look more like a 3 story. They have already received negative ten (-10) points for being between a ½ story and 1 over the recommended two-story height in LUD 5 in the North building.)

Ms. Dudney: Do you have anything to show us the 7' retaining wall area to show us the danger level? (Mr. Kulick: Overall, the wall is generally 4' or less but there are a couple places that I'll point out that are above 4'.) (Mr. Stais: Above the storage area is a fill area it will be 4-7'. Do you have any safety concerns? (Mr. Stais: Yes we will have a split rail on top of it as a visual deterrent. Additionally the neighbors want to keep the residents of Huron Landing from sheet flowing across their property as they go up to the existing trail. The retaining wall will be visible from the storage area but not CR 450. The wall is not a 7' wall all over the place, for the most part it is below 4'.)

Ms. Christopher: Is the corrugated metal tested for our weather elements? (Mr. Stais: It will be a powder coated treatment. We have used this type of finish before on corrugated metal.)

Mr. Mamula: Is there discussion at the County level about a crosswalk? (Mr. Curnutte: Yes.)

Mr. Mamula opened the hearing to Public Comment:

Ms. Barbara Campbell, Property Owner, Highlands, Lot 13:

I didn't know anything about this project until late September. I did meet with Don Reimer in late October. I do have concerns about the project. I have owned the lot since 1996. I am displaying pictures from the recycle center. I was notified by the County that the survey markers show that they were over the property line. We granted a trail easement to the Town of Breckenridge in 1998 so that they could connect the lower flume trail. We see a lot of usage on our lot. Trail users go around our fence on both sides; we can't seem to keep the traffic out even with the fence. The retaining wall of 4' won't be enough to keep people off our property. We would like to encourage you to build a fence that is higher, like the chain-link fence that is on the storage property. Also, we do have concerns with the 3 story building and the close proximity to the lot lines. (Mr. Schuman: Have you spoken to Breckenridge Trails about your ongoing concerns?) Yes, they put the fence up and now we have more traffic than ever. We are already having problems and I can't see how putting more people living in close proximity to our property would make it any better. The trail easement said that the Town would maintain and remedy the use of the trail on our property. (Ms. Dudney: Where is your home?) We haven't built yet, but we plan to build in the future. It is a little over an acre lot on Forest Hill. We might be open to selling the lower portion to you. (Mr. Mamula: That is not for us to decide.) (Mr. Kulick: Please point out on the plans the area you are having problems.) Yes (she proceeded to show on her photographs the areas of problems.) (Mr. Kulick: On behalf of the trails department, we would like to work with you to try and remedy these issues.) Thanks, but without a fence I don't think this will improve.

Ms. Betsy Ruskreig, Lot 14 at the Highlands:

We just have one favor to request, when we looked at the current and proposed pictures they were all taken on CR 450 but nothing was taken from either my lot or Ms. Campbell's lot. Could you also take the current pictures from our lot down so that we can see where the roof lines go? Then we could see what the roof lines do. (Mr. Stais: I would like to work with you to take the pictures.)

Ms. Katherine King, HOA President at Kennington Townhomes:

We appreciate our opportunity to comment and the efforts of staff and the efforts to screen this from Kennington. We were concerned about not having enough parking and so we thank you for addressing this. We would like to see as much screening landscaping as possible and if you are agreeable of planting the landscaping on Kennington property we will irrigate. Our main concerns are how this property will be managed but this is beyond the Commission. I think there could be issues with dogs going all over where there isn't fencing. We are looking forward to a long term improvement plan on CR 450. (Ms. Dudney: You feel pretty good about the proposed parking spaces?) Honestly, two per project is not enough but it is better than 1.5 spots. (Ms. Dudney: Can't you give a permit to your resident and then police it?) Yes, but it is hard to enforce.

Ms. Kim Bentley, Kennington Resident:

I disagree with Ms. King on the parking issue. Kennington has more than 2 spaces and it still not enough. People park at Kennington to use the Flume trail and that will increase even more with Huron. I would like to see more vegetation for screening. The setback is proposed at 10' off the rear property line instead of the recommended 15'. I feel like the building height coming up CR 450 is huge and doesn't fit in.

Ms. King: I agree that the east building does look really big and anything we can do to make it look less imposing would be appreciated.

There was no more Public Comment and the hearing was closed.

Commissioner Questions / Comments:

- Mr. Lamb: This is how the point system works. I do agree with Staff's preliminary point analysis. I'm ok with the grading and draining changes. I think that Mr. Stais and others can come up with better screening. It may not be 100% of what everyone wants, but I think in the end it is important and good.
- Mr. Pringle: I'm not sure I agree with the point analysis. They were given positive three (+3) for policies 16R and 20R for dedicating the Flume and rec path; that seems disproportionately generous as far as taking care of the height that is a problem. The rear building seems to be proportional; the western building comes right out to the road and looms on CR 450. I think massaging this building is going to take some real effort to reduce the height impact. I think everyone is going to be disappointed with this if it remains. If all we are here for is to say yes or no it meets the code then you only need one of us, but I think it is our place to point out issues of aesthetics.
- Ms. Dudney: I like the project and I support it. I agree that it is more density and more height but I think it will tuck into the hillside. I think it would be interesting to have a view from the upper lots. I understand the concerns but I don't think that a chain link fence is the answer.
- Ms. Christopher: I like the project but as other Commissioners have said, I would like to see the height massaged coming up CR 450. I think the trail signage at the road would help a lot.
- Ms. Schroder: I do agree with the point analysis. Circulation seems good, employee housing and Council goals, we are good shape that the County is working with us on the height. We should probably be thankful that the height is only 33' because it could be more under the County's zoning. I would like you to be accommodating to the neighbors. Setback and retaining walls will earn negative points but I understand why these are here. I think the project looks good on the land that was once a recycling center.
- Mr. Schuman: I think it is a good project. I do support the preliminary point analysis. I do have concerns on policy 20/R I think the Town and the County have a responsibility to manage the trails. I think they have to address the unruly riders that get off the trail and abuse land.
- Mr. Mamula: I'm not buying policy 16/R getting three (+3) points. As far as the flume trail, somehow we've got to make sure that there isn't a problem with the neighbor or that this is a trailhead. This right now goes into emptiness; I worry about Ms. Bentley's problem with this becoming a trailhead and aggravating the parking and I want to see Mr. Kulick take this and talk more about this because it is going to be a Town problem, not a County problem. We need to make sure that our management is correct for this trail because the visitor center is sending people from out of town to go bike the Lower Flume. (Mr. Kulick: The answer is to park at the Rec Center.) But the people that come to this town are looking for an easier bike trail and this is the easiest and they won't park at the Rec Center. If this wasn't a governmental agency we wouldn't be tolerating this. You are asking people to put up with this on a trail that we are sending people from out of town to use. We need to have a good plan to handle this trail in terms of parking. Please make sure that we are working with the neighbors especially for neighbors on Lots 13 and 14 in the Highlands; now is the time to study it. Also, I have a problem with the side of West building; it is a blank wall, there are only 2 tiny windows, you are presenting a huge face to the road. (Mr. Stais: Maybe we can re-orient the end units. We will work on this.)

COMBINED HEARINGS:

- 1) Crepes a la Cart Exempt Large Vendor Cart (JP) PL-2015-0396, 309 South Main Street
Ms. Puester presented a proposal to issue a permit that classifies the existing Crepes ala Cart vendor cart as an "exempt large vendor cart" under Policy 49 (Absolute) of the Development Code. The vendor cart has operated at this location since 1982. The existing cart is yellow with white trim, measuring 14'2"x6', no changes are proposed to the exterior of the cart. A relocated and expanded deck has been recently constructed. A permit to relocate the cart 3' within the property boundary has been approved.

The Planning Department recommends that the Crepes ala Cart vendor cart, PL-2015-0396, located at 309 S. Main Street, Lot 5, Block 6, Stiles Addition Subdivision, be determined to be an “exempt large vendor cart” under Policy 49 (Absolute) of the Development Code with the attached findings and conditions.

Commissioner Questions / Comments:

Ms. Christopher: This is a grandfathered item? Stella’s? (Ms. Puester: Stella’s also has a permit renewal timeline as well; 3 years.)

Mr. Mamula: The way the policy was written this has always been here, but at some time it will go away. (Ms. Puester: This was put originally on two lots, but was then combined on one lot.)

Mr. Schuman: I’m ok.

Mr. Schroder: I support.

Ms. Christopher: I support.

Mr. Lamb: I’m fine.

Mr. Pringle: I’m fine.

Ms. Dudney: I’m fine.

Mr. Mamula: I’m fine too.

Mr. Pringle made a motion to approve the Crepes a la Carte Large Vendor Cart, PL-2015-0396, 309 South Main Street, with the presented findings and conditions. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

OTHER BUSINESS:

Mr. Mamula: The house that is on the downside of Wellington (513) that is below Matt Stais; they’ve been doing a ton of work with a retaining wall. It doesn’t have any windows, are they paving? (Ms. Puester: I will look into it.)

Ms. Puester: The chair election will occur at the next meeting, and we will be advertising the position vacated by Mr. Mamula and we will have a new Commissioner in January. I want to schedule a Planning Commission field trip recap with photos and discussion for the Town Council. I will have that hopefully on the next agenda. (Mr. Schroder: Will lifestyle centers be on the agenda too, not just parking?) Yes.

Mr. Pringle: I think that we learned a lot on that field trip and that it was very beneficial.

ADJOURNMENT:

The meeting was adjourned at 9:15pm.

Eric Mamula, Chair



Scheduled Meetings, Important Dates and Events

Shading indicates Council attendance – others are optional

The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them. All Council Meetings are held in the Council Chambers, 150 Ski Hill Road, Breckenridge, unless otherwise noted.

NOVEMBER 2015

Tuesday, November 10, 2015; 3:00/7:30 pm	First Meeting of the Month
Friday, November 13, 2015; 8-9am; Spencer's at Beaver Run	Coffee Talk
Tuesday, November 24, 2015; 3:00/7:30 pm	Second Meeting of the Month

DECEMBER 2015

Saturday, December 5, 2015	Lighting of Breckenridge/Race of the Santas
Tuesday, December 8, 2015; 3:00/7:30 pm	First Meeting of the Month
Thursday, December 10-Sunday, December 13, 2015	Winter Dew Tour
Friday, December 11, 2015; 8-9am; TBD	Coffee Talk
Tuesday, December 22, 2015; 3:00/7:30 pm	CANCELED - Second Meeting of the Month
Thursday, December 31, 2015	New Year's Eve Celebration

JANUARY 2016

Tuesday, January 12, 2016; 3:00/7:30 pm	First Meeting of the Month
Friday, January 15, 2016; 8-9am; TBD	Coffee Talk
Tuesday, January 26, 2016; 3:00/7:30 pm	Second Meeting of the Month

OTHER MEETINGS

4 th Monday of the Month; 4:00 p.m.	Cultural Arts Advisory Committee; Riverwalk Center
1 st & 3 rd Tuesday of the Month; 7:00 p.m.	Planning Commission; Council Chambers
1 st Wednesday of the Month; 4:00 p.m.	Public Art Commission; 3 rd floor Conf Room
2 nd & 4 th Tuesday of the Month; 1:30 p.m.	Board of County Commissioners; County
2 nd Wednesday of the Month; 12:00 noon	Breckenridge Heritage Alliance
2 nd & 4 th Tuesday of the month; 2:00 p.m.	Housing/Childcare Committee
2 nd Thursday of the Month; 5:30 p.m.	Sanitation District
3 rd Monday of the Month; 5:30 p.m.	BOSAC; 3 rd floor Conf Room
3 rd Tuesday of the Month; 9:00 a.m.	Liquor Licensing Authority; Council Chambers
4 th Wednesday of the Month; 9:00 a.m.	Summit Combined Housing Authority
4 th Wednesday of the Month; 8:30 a.m.	Breckenridge Tourism Office; BTO Offices
4 th Thursday of the Month; 7:00 a.m.	Red White and Blue; Main Fire Station
4 th Monday of the Month; 3:00 p.m.	Childcare Advisory Committee; Town Hall

Other Meetings: CAST, CML, NWCCOG, RRR, QQ, I-70 Coalition, BEC