



BRECKENRIDGE TOWN COUNCIL WORK SESSION

Tuesday, November 10, 2015; 3:00 PM
Town Hall Auditorium

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

3:00-3:15pm	I	<u>PLANNING COMMISSION DECISIONS</u>	2
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		Easement for Blue River Cistern	21
		Panhandling Ordinance Revisions	33
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		Sale of Town Owned Property 391 High Point Drive	57
3:45-4:30pm	III	<u>MANAGERS REPORT</u>	
		Public Projects Update	61
		Housing/Childcare Update	
		Child Care Tuition Assistance Report	70
		Committee Reports	76
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		Airport Road Safety Update	98
5:00-5:15pm	V	<u>PLANNING MATTERS</u>	
		Enclave Annexation Process	101
5:15-6:30pm	VI	<u>EXECUTIVE SESSION - ACQUISITIONS, NEGOTIATIONS, LITIGATION</u>	

Note: Public hearings are not held during Town Council Work Sessions. The public is invited to attend the Work Session and listen to the Council's discussion. However, the Council is not required to take public comments during Work Sessions. At the discretion of the Council, public comment may be allowed if time permits and, if allowed, public comment may be limited. 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. The public will be excluded from any portion of the Work Session during which an Executive Session is held. 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.

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:

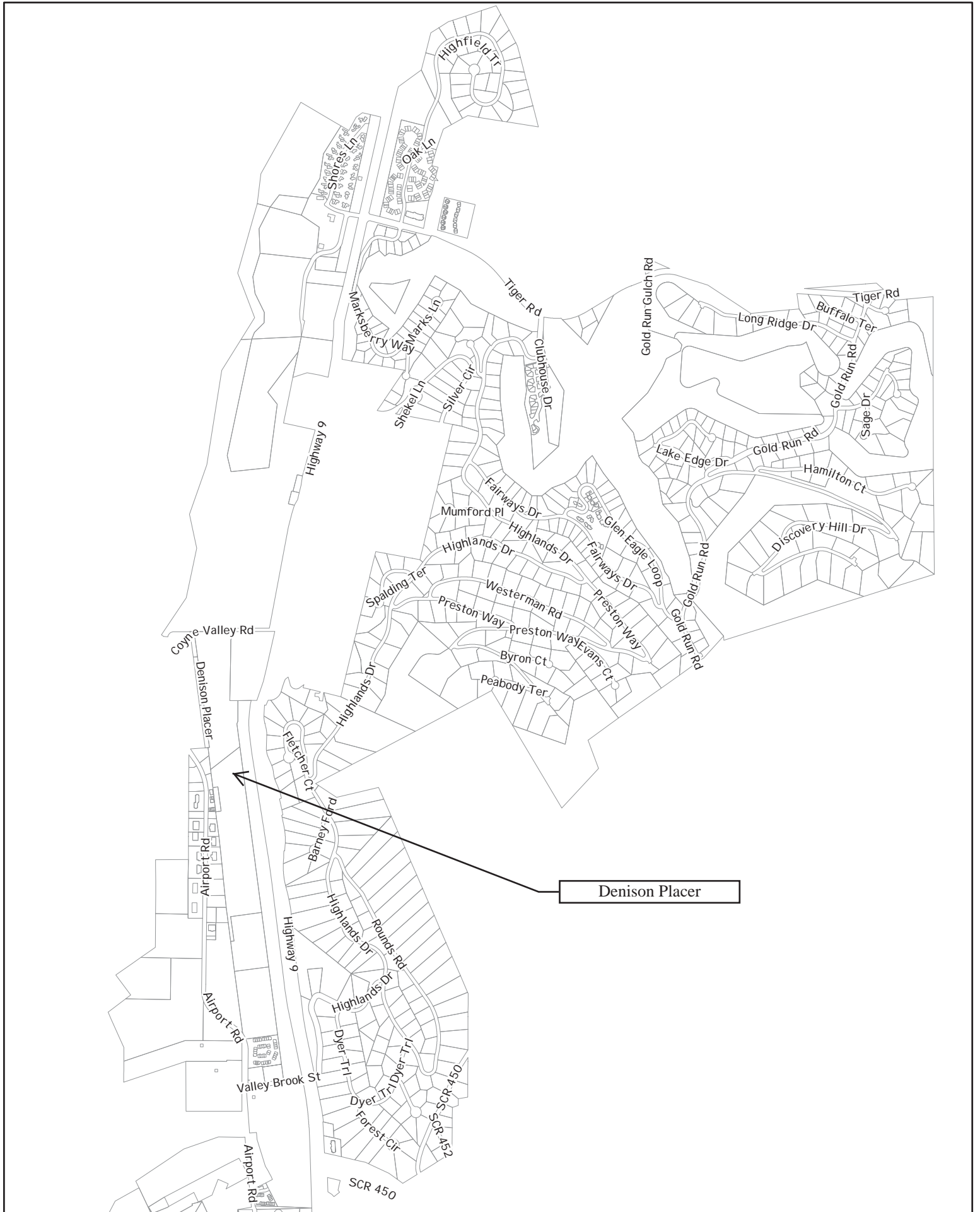
CLASS C APPLICATIONS: None.

CLASS B APPLICATIONS: None.

CLASS A APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.



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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



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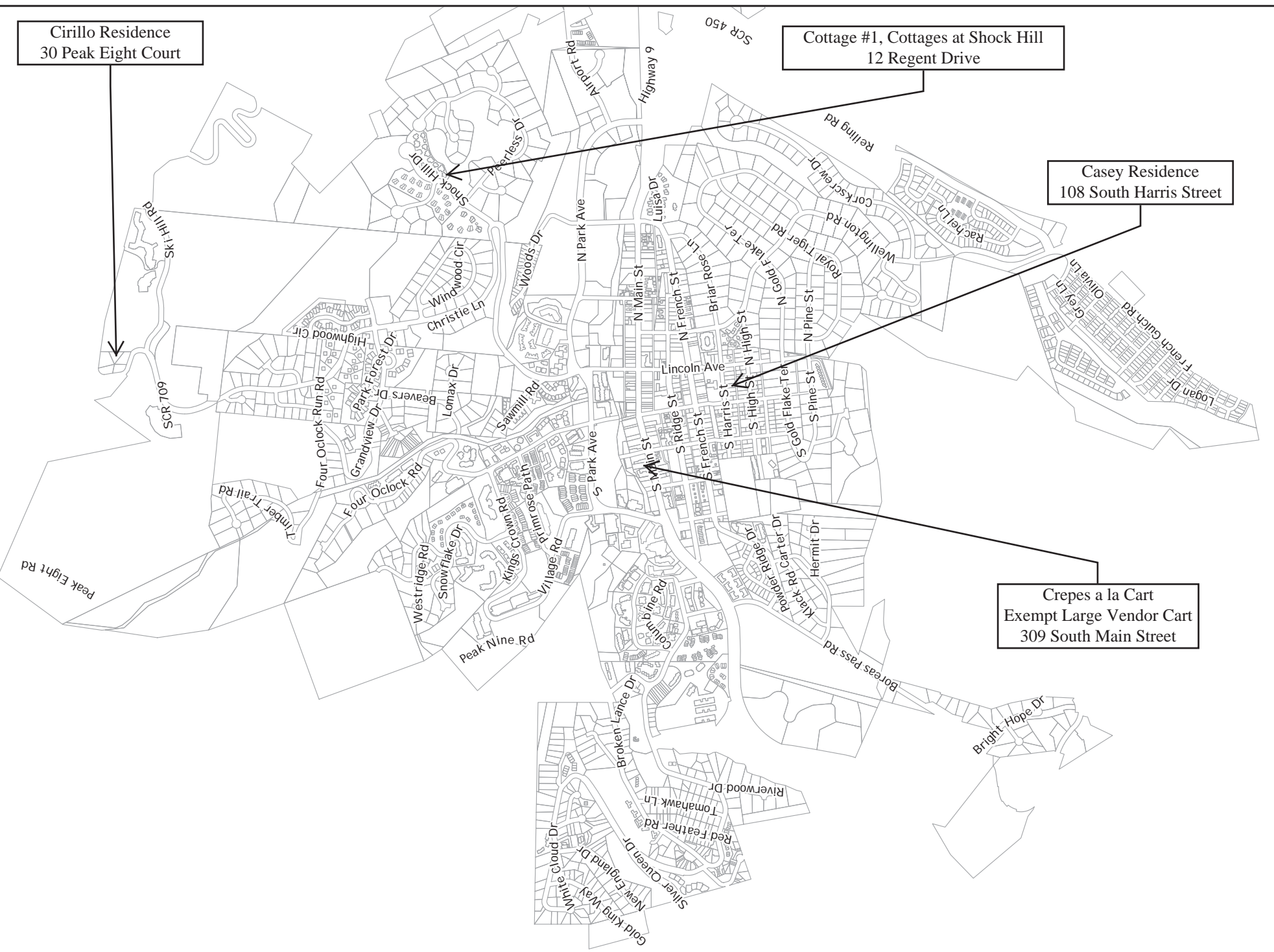
Breckenridge North

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



0
Not to Scale

Breckenridge South

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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

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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9

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:

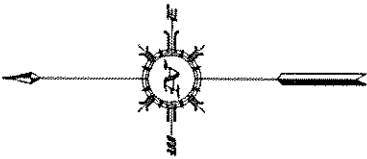
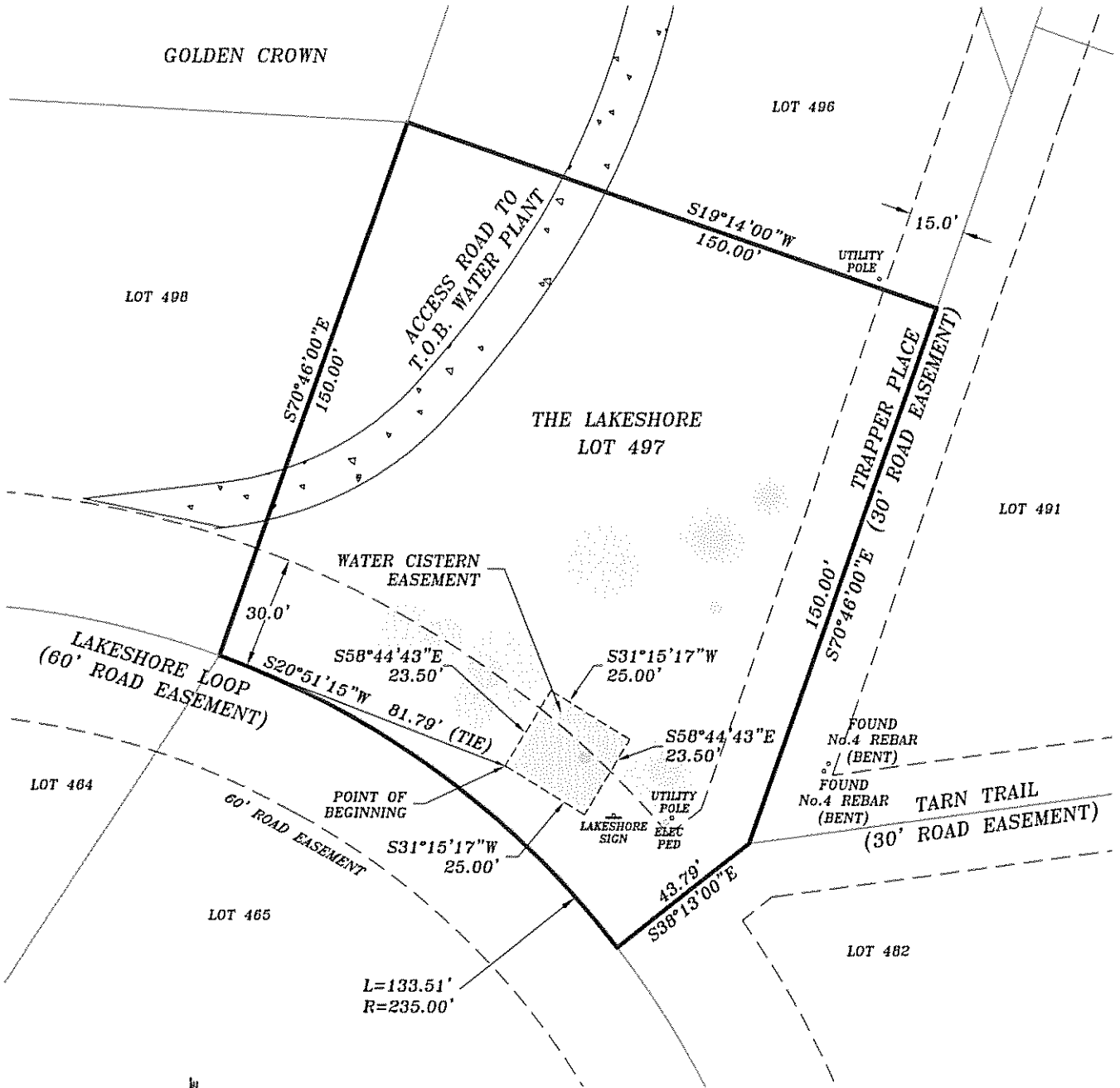
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 497, THENCE; S20°51'15"W, A DISTANCE OF 81.79 FEET TO THE TRUE POINT OF BEGINNING.

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.

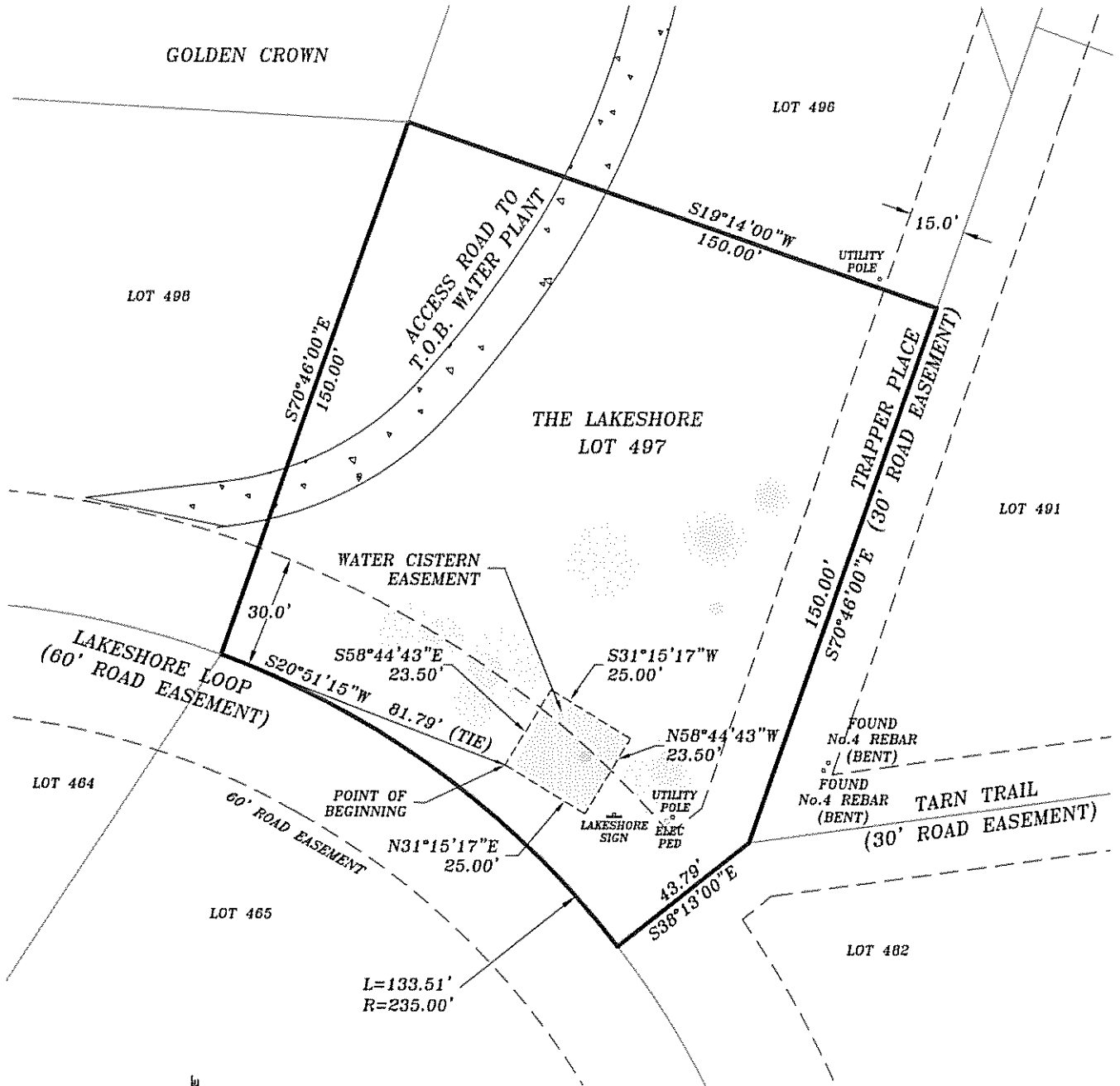
EXHIBIT B
EASEMENT FOR WATER CISTERN
LOT 497, THE LAKESHORE – GOOSE PASTURE TARN –
BLUE RIVER ESTATES, INC
TOWN OF BLUE RIVER
SUMMIT COUNTY, COLORADO



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

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.~~

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>
Effective January 1, 2015	\$32.81 per billing cycle per SFE
<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

9

10

11

12

13

14

15

16

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: Dale Stein P.E., Assistant Town Engineer
DATE: November 5, 2015
RE: Public Projects Update

Breckenridge Theater

The theater expansion project remains on schedule and on budget. Exterior framing is nearly completed and windows will be installed in the coming weeks.



View looking west in the new lobby addition.



Wall framing for the garage door that opens to the plaza connecting to Ceramics and the Hot Shop.

Barney Ford Dumpster

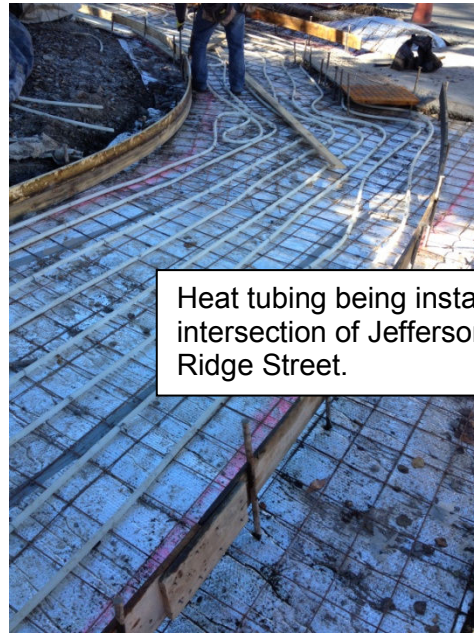
Work is progressing well on the construction of the new dumpster building at Barney Ford. The dumpster is scheduled to be completed by the end of November.

Adams & Jefferson Heated Sidewalks

Construction is nearing completion on the Adams & Jefferson Heated Sidewalks project. The heat tubing has been installed and the entire concrete sidewalk has been replaced. In the next couple weeks, the contractor will finish the construction of the mechanical rooms and install the remaining mechanical equipment. The project will be completed and the heated sidewalks will be fully operational this November. The remainder of the construction should not cause any vehicular detours/closures.



Mechanical room and equipment being installed on Jefferson Avenue.



Heat tubing being installed at the intersection of Jefferson Ave & Ridge Street.

Four O'clock Roundabout

Xcel crews have completed their work relocating the gas regulation station and upgrading the gas lines in the vicinity of the intersection. Final work to place seeding and mulch was completed this week. The Tiger Dredge parking lot is now back at full capacity for the winter season. The construction of the roundabout is scheduled for the spring of 2016. Staff is currently working with CDOT and the local land owners to acquire the needed right-of-way and easements.



New Xcel Energy building housing a new gas regulation station near the west side of the Tiger Dredge parking lot.

Recycle Center (Summit County Update)

Work on the new County Recycle Center has been going well. Good progress has been made over the past few weeks by the County contractor, Columbine Hills. Recently the contractor has completed the embankment work, completed placement of the asphalt pavement, and finished the installation of the water tap and landscape irrigation system. Work crews are working this week on the installation of the new fencing around the perimeter of the Center and the landscaping improvements. Weather permitting the project should be completed by the Thanksgiving weekend.

The existing recycle center will be moved to the new location on Coyne Valley Road during the Spring of 2016.



Landscaping and fencing crews working this week on the final landscaping phase of the Recycle Center construction.

Airport Road Pedestrian Lighting

Crews have been working over the past few weeks installing the electric infrastructure necessary for the new lighting on Airport Road north of the skier overflow parking. The infrastructure has now been completed and work has begun to set six new hard-wired lights on the east side of Airport Road north of Airport Auto, and three solar powered lights at the two north bus stops and at the Block 11 employee parking entrance. Re-vegetation crews are also working this week placing native seed and hydro-mulch on the areas disturbed by the electrical infrastructure work.

We are waiting for the electrical meter to set by Xcel, and a few parts to be shipped for the solar equipment, but expect the new lights to be functional prior to the Thanksgiving Holiday.



New lights are beginning to be installed by All Electric starting near the Airport Auto drive.



A new southbound bus stop near 1825 Airport Road was installed by the contractor Columbine Hills this week.

Breckenridge Golf Course Irrigation and Bunker Replacement

(prepared by Mike Barney)

Bunkers

Construction of the new bunkers on the Bear course is finished. The contractor will return in the spring to complete punch list items such as checking the sand depth. The practice bunker was completely remodeled and will have sod installed at that time.



Alfredo sprays a polymer material onto pea gravel in the bottom of the bunker. This process creates the Better Billy Bunker liner system. The polymer locks the small stones together but does not affect how water moves through the gravel.



Liner finished, installing new sand.



Sand and sod installed.



Installing Sod



Finished

Irrigation

New satellites (controllers) have been installed on the Elk course.

Installation is complete on holes 1, 7, 8 and 9. The contractor is working to install the new components on 2 and 6 before inclement weather shuts them down. They are planning to work until the middle of November. Holes 3, 4 and 5 will be completed next May along with punch list items and final clean up.



Installation of mainlines near the clubhouse



Work is finished and cleaned up.



A hole is dug at each new sprinkler head location. The 2" pipes that connect the mainline to the heads are pulled into the ground with a plow. This leaves a slit and a ridge in the turf that is visible in the foreground of this photo. The ridge is flattened with rollers and tampers.

Fairview Roundabout Close-Out

Vision

In the fall of 2014, CDOT finished the construction of the roundabout at the intersection of Highway 9 and Fairview Blvd. However, the interior of the roundabout was left as a large mound of gravel material. The vision for the project was to landscape the interior of the roundabout to provide a more aesthetically pleasing entrance to the town. Since the roundabout is on the Town/County boundary, it was agreed that the project costs would be shared between the Town and the County.

Existing conditions



Town Council Review

Conceptual drawings were developed by Norris Design and shown to Council for approval in August of 2015. In addition, bi-weekly updates were provided through the project to provide information on design, schedule, and budget.

Budget

Staff was directed to develop a roundabout design which would cost \$100,000. Once the design was completed and construction estimates were calculated, the estimated cost was increased to \$130,000. \$65,000 was approved to the project and Council, and the County committed to paying for half of the costs, up to \$65,000.

The project was bid and delivered at a final cost of \$110,000. The County will pay 50%, or \$55,000 of the costs, while the Town pays for the remaining \$55,000. The actual appropriation for the project will be \$55,000 in lieu of the previously requested \$65,000.

Finished Project

The concrete work and landscaping completed in the roundabout matched the design shown to Council. The gravel mound was removed from the roundabout and colored concrete, stone walls, aspen trees, bristlecone trees, and shrubs were added.



Questions?

Staff will be available at the work session to discuss the project. Below are some sample questions that could help inform Staff of Council's perception of and satisfaction with the project.

- Does this project meet the Council's original intent and vision?
- Does Council feel anything is missing from the project?
- Was the Council surprised or confused by any aspects of the project?
- Did Staff provide Council with enough details on scope, budget, and design throughout the project?

Breckenridge Recreation Department

Memo

To: Town Council

CC: Tim Gagen, Rick Holman

From: Michael Barney, Director of Recreation

Date: October 20, 2015

Re: Childcare Tuition Assistance Program Update

As council is aware, several changes have been made to the childcare tuition assistance program over the last 6 months. The changes were intended to improve the integrity of the program, improve efficiencies, and improve oversight. These changes, recommended by the Childcare Advisory Committee and supported by Town Council, include providing a higher level of assistance for Town residents than non-residents, incorporating asset testing of applicants, and developing a type of sliding scale that determines the amount of assistance to be received based on a family's AMI, number of children, and days of care per week needed.

The program was also shifted from the Community Planning and Development Department to the Recreation Department and a part time Enrollment Administrator was hired to process applications and determine assistance levels. In addition, the program contracted with Emily Oberheide to provide program management services which includes the creation / documentation of program process and procedure, design and implement quality assurance protocols, conduct application audits, monitor and report on program impacts and outcomes, increase public awareness of the program's value, work with center directors to identify and implement operational cost saving and efficiency measures, and to identify long term sustainable financing for the tuition assistance program.

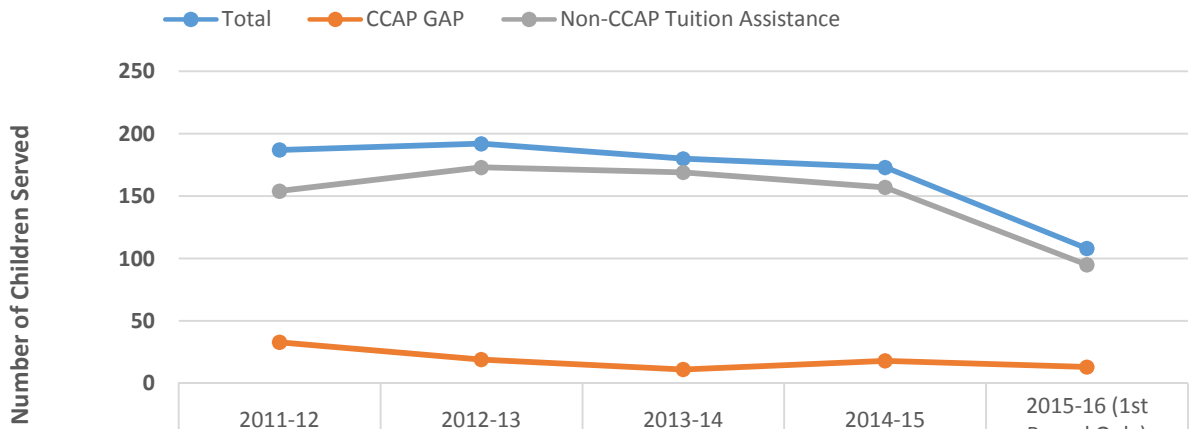
The application period for the 2015-2016 school year occurred this past July and 110 families submitted a request for assistance, with 82 families determined eligible to receive assistance. Fourteen families did not meet the criteria to receive assistance and those reasons include the family being over 150% of AMI, the family exceeded the asset cap, a family member did not live or work in Breckenridge, or the family failed to fully complete the application process. Thirteen families met the program eligibility requirements but are not spending more than 12-16% of their income on childcare and therefore are not receiving tuition assistance at this time. One family was pending CCAP enrollment before we could determine their level of tuition assistance.

The program estimates its expenditures to be approximately \$787,744 for 2015, which would be an increase of \$116,684 over 2014 expenditures. This increase is due to additional administrative expenses with the hiring of a staff member and contracted management services (while also closing out the contract with Early Childhood Options), elimination of the \$650 per month cap on assistance per child (in past, 26% of families were capped out and therefore significantly cost-burdened), as well as slightly higher awards which are projected based on current tuition rates. The Child Care fund balance is projected to sustain the program through the 2018-19 school year.

Aside from working directly with Sole Drumwright, the Enrollment Administrator, in managing/facilitating the tuition assistance program, Emily has begun meeting with the Childcare Directors to better understand their business models and operations so as to position herself to make recommendations to increase efficiencies, is facilitating the meetings of the Childcare Advisory Committee, is networking with stakeholders throughout the county who have vested interests in early learning and childcare matters, is mapping out a public outreach and educational campaign, and is exploring options for long term funding to ensure the sustainability of the program.

Emily and I will be available at the council work session to answer any questions that council may have regarding the program.

Number of Children Receiving TOB Tuition Assistance School Years: 2011-12 through 2015-16

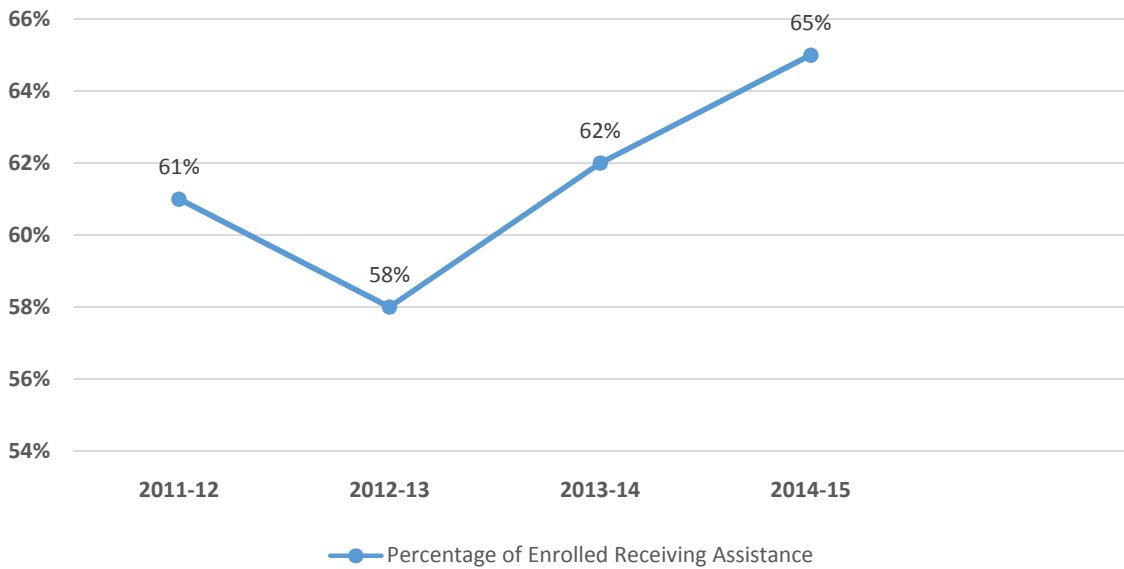


	2011-12	2012-13	2013-14	2014-15	2015-16 (1st Round Only)
Total	187	192	180	173	108
CCAP GAP	33	19	11	18	13
Non-CCAP Tuition Assistance	154	173	169	157	95

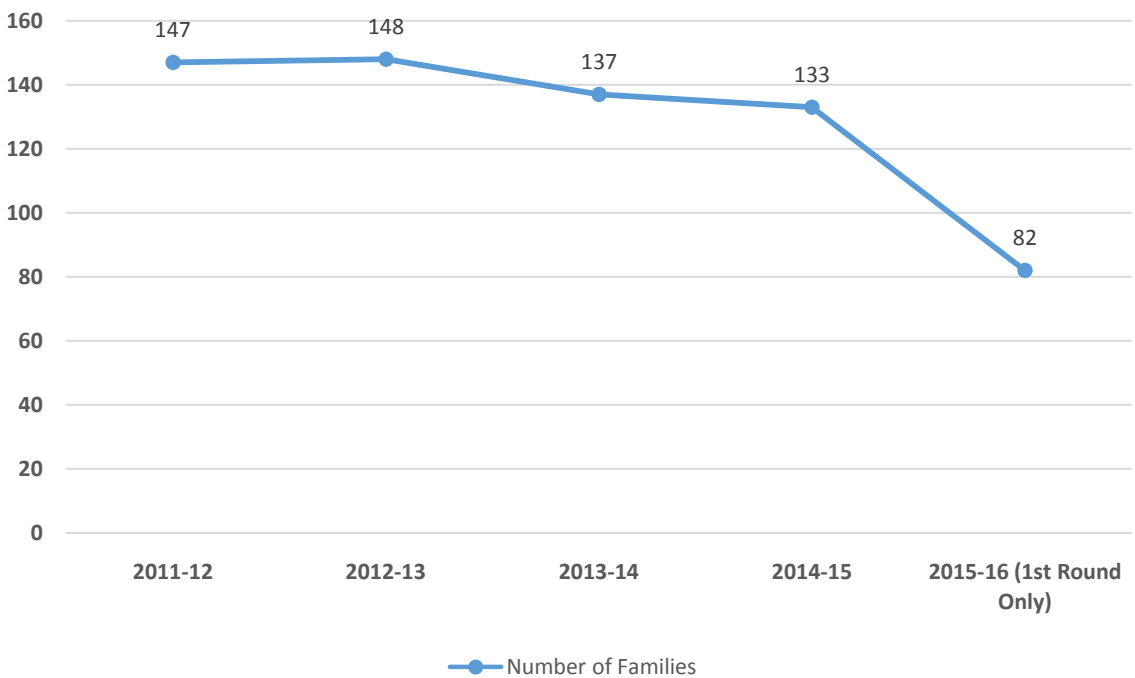
Families enroll their children for the amount of care they need between 1 to 5 days per week. It is possible to have a smaller number of children or families receiving TOB Tuition Assistance, and yet show a percentage of students enrolled in the centers receiving assistance as steady or increased.

One way to think about this is if all children we served this year were enrolled 5 days per week, they would fill the majority of the available slots in the classrooms for the entire week at the centers. In a previous year, it could have been that most children were enrolled 3 days per week, so the overall number of children could be higher in order to fill the same number of classroom spots across the entire 5 days that the centers are open.

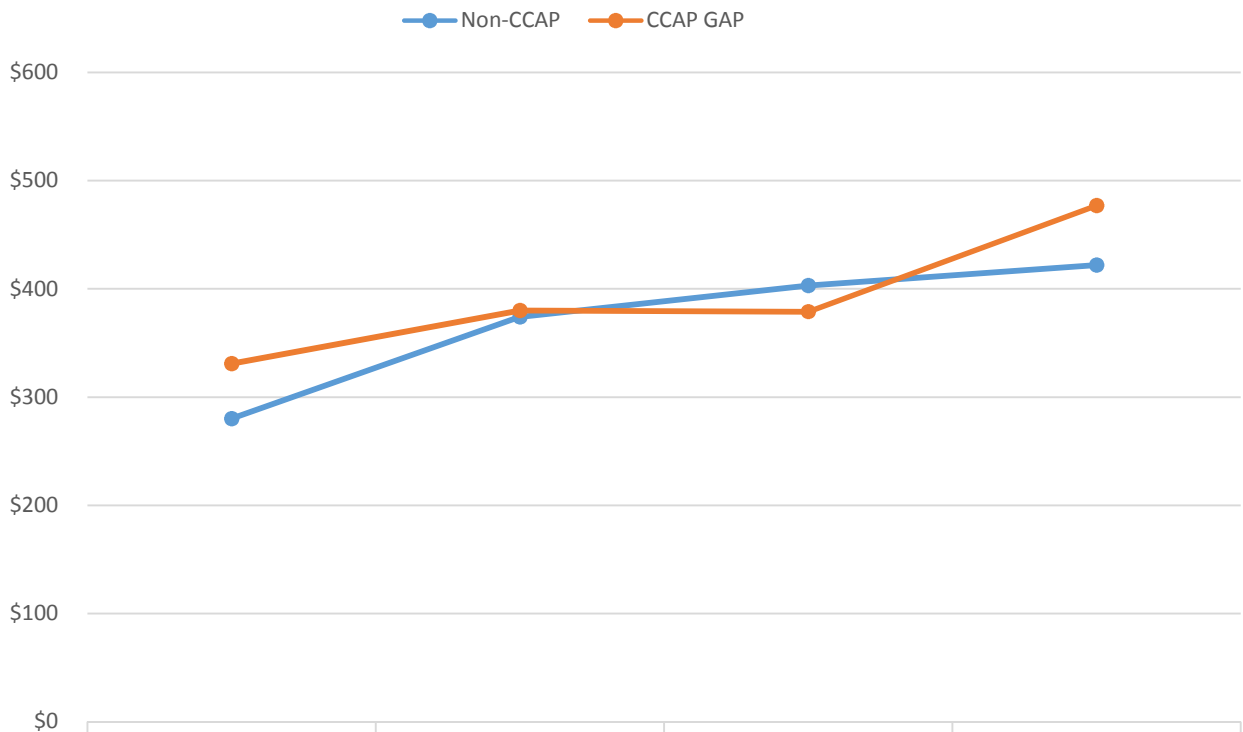
Percentage of Children Enrolled in Breckenridge Centers Receiving TOB Tuition Assistance



Number of Families Receiving Assistance (Non-CCAP and CCAP GAP)



Average Monthly Payment on Behalf of Families School Years: 2011-12 through 2015-16

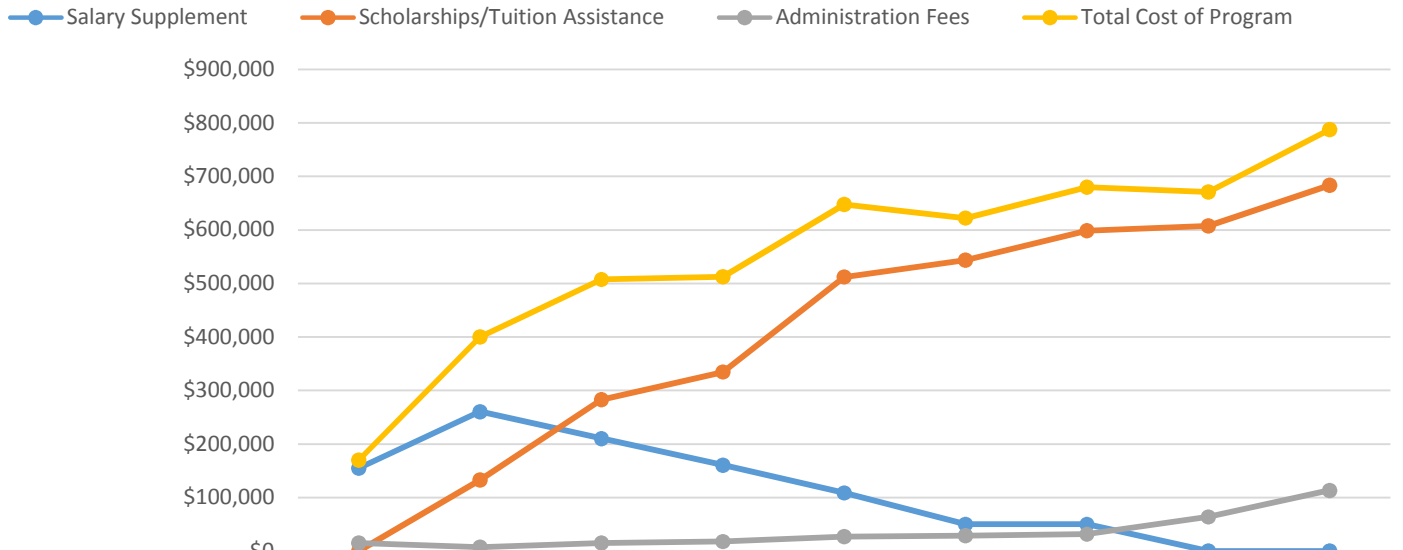


	2011-12	2012-13	2013-14	2014-15
Non-CCAP	\$280	\$374	\$403	\$422
CCAP GAP	\$331	\$380	\$379	\$477

- There is a significant increase in the 2014-15 average payment for children receiving CCAP GAP assistance. This is primarily due to the fact that CCAP has not increased the amount they contribute in almost three years. Therefore TOB is covering the approximate 3% increase in Tuition Rates each year. CCAP currently reimburses \$43.35 of the \$70 daily average cost in Breckenridge centers for infants/toddlers ages 0-24 months. The CCAP reimbursement rate for ages 24 months through school age is \$39.59 of the \$63 daily average cost in Breckenridge centers.
- Tuition Rates at the four participating centers have increased from an average of \$63 (infant/toddler) and \$59 (preschool) per day in the 2011/12 school year to an average of \$70 (infant/toddler) and \$63 (preschool) per day in the 2014/15 school year. This is an 11% increase for infant/toddler and 4% increase for preschool rates.

During the same time, from 2011-2015, the Area Median Income has declined by 2.25%. Families with stagnant or decreased income could potentially need more assistance as child care rates increase, affecting our average monthly payment on behalf of families.

Breakdown of TOB Child Care Program Funds



	2007	2008	2009	2010	2011	2012	2013	2014	2015 projected
Salary Supplement	\$154,795	\$260,361	\$209,956	\$160,576	\$108,700	\$50,000	\$50,000	\$0	\$0
Scholarships/Tuition Assistance	\$0	\$132,922	\$282,644	\$334,419	\$511,980	\$543,535	\$598,355	\$607,198	\$683,280
Administration Fees	\$15,000	\$6,996	\$14,876	\$17,601	\$26,946	\$28,607	\$31,440	\$63,862	\$113,334
Total Cost of Program	\$169,795	\$400,279	\$507,476	\$512,596	\$647,626	\$622,142	\$679,795	\$671,060	\$787,614

Salary supplements were the primary support in the beginning of the program. The plan was to phase out the salary supplements and shift the support to tuition assistance on behalf of families as the centers raised their rates to more closely reflect the true cost of care.

MEMO

TO: Mayor & Town Council
FROM: Tim Gagen, Town Manager
DATE: November 5, 2015
SUBJECT: Committee Reports for 11-10-2015 Council Packet

CDOT **October 19, 2015** **Tim Gagen**

CDOT held their quarterly meeting with BICC yesterday, some highlights from the meeting:
Iron Springs project is now set with funding, CDOT plans to bid the project in Jan. with start of construction in 2016 and completion in 2017.
Hwy 9 north project is on schedule and work will cease for winter later this month restoring 2 lanes of travel.
Peak Period Shoulder on I-70 is still planned to open mid Dec., CDOT will be finishing up paving and installing tolling equipment and signs the rest of this month and into Nov.
Bustang ridership on the I-70 west route continues to exceed expectations, CDOT is exploring ways to expand the number of trips per day.
County and CDOT are taking public comment on the redo of the Frisco Transit center.
Another RAMP project in Vail is an underpass under I-70 to connect north and south frontage road near Lionshead so travels won't all be funneled through the roundabouts. Work is beginning and will continue through 2016.
4 O'clock roundabout has utility relocation underway and r/w acquisition is continuing.

Police Advisory Committee **November 4, 2015** **Chief Haynes**

2015 Community Representatives: Dave Askeland, Carrie Balma, Tom Byledbal, Dick Carleton, Jeff Chabot, Phil Gallagher, Ramon Gomez, Sandi Griffin, Tessa Rathjen, Jason Smith, Jim Trisler, Kaleigh Klaas.

The Police Advisory Committee (PAC) held its bimonthly meeting on November 4, 2015. The Chief and PAC members discussed the following:

- **Parking & Transit – Election Results:** Chief Haynes explained next steps as the Town moves forward with the Parking and Transit plan following approval of the lift tax in the recent election. Requests for parking permits for those employed outside the Town core doubled over last year, requiring the department to conduct a lottery for the limited number of available permits.
- **Staffing:** The Chief discussed the role of the recently approved additional CSO position focusing on increased police department presence in the Town core. Committee members suggested occasional officer presence on bus routes during the evening and nighttime hours and additional police coverage at the skate park to address drug and alcohol issues.
- **Introductions:** Newly hired CSOs Kimberly Barnett and Justin Fritz introduced themselves. CSO Perez shared that she has been selected to attend the police academy in January 2016. A committee member shared a compliment she received from tourists who received a parking ticket from CSO Perez. They said the officer took time to explain the citation and was extremely nice and polite in doing so.
- **Transients:** In response to a question raised by a committee member, Chief Haynes explained that the downtown transient problem has diminished. However, there is a small group who remain. Crisis Intervention Training has been extremely valuable in teaching officers how to deal with transients and others who exhibit signs of mental illness or drug/alcohol abuse. Coordinated efforts between all county law enforcement agencies and mental health providers have also improved the department's response to transient issues.
- **Pursuits:** Chief Haynes reviewed the recent pursuit that started in Frisco and ended in Breckenridge. The pursuit was also discussed at the monthly Summit County Police Chiefs meeting, resulting in agreement on a change to pursuit policies. The Police Chiefs and Sheriff are planning to move forward with the development of a county-wide pursuit policy.
- **Investigations:** Assistant Chief McLaughlin informed the group that investigations division continues to be very busy. The hit and run investigation in September was successfully concluded with an arrest. Breckenridge detectives were instrumental in identifying a recent bank fraud ring operating in Summit and Eagle Counties.
- **School Reports:** Both Jeff Chabot and Tessa Rathjen shared that all is going well at the middle school and high school. Enrollment at the middle school is up by 200 students over the past five years. The high school provided training on mental health and suicide prevention to students and the Safe 2 Tell program is working well.

CAST **October 23, 2015** **Mayor Warner**

CAST welcomed three new members: Beaver Creek Resort, Teton Village Association, Town of Blue River

1. Mayor Bill Pinkham of Estes Park gave some opening remarks about the recovery from the flood, the flood, and going forward.

A Wellness Center is being constructed. They have applied for a RTA grant to create a 500 seat theater which will screen horror films. Estes Park has very similar workforce issues as Breck. Rent going from \$600/month a couple of years ago to \$1400/ month now. Estes Park has the oldest median population in Colorado. Their Median age is 51.5 in Estes Park compared to 31.5 for Colorado. They have ranked very high in the America in Bloom contest. The Rocky Mountain National Park centennial is 2015, NPS centennial is 2016. Estes Park is 2017.

2. Wildlife Management and Issues in Destinations Communities-National Park Service and Estes Park Police gave this presentation.

Their challenges include: high visitation, excited visitors, naive visitors, and increased food conditioning. Food conditioning is the term used to describe the fact that bears in 2015 get up to 15 times as much food from humans as they did 30 years ago. This food conditioning increases the bear population because they are so well fed. Rocky Mountain National Park (RMNP) has huge visitation in September with 600000+ visitors. RMNP is the Fifth busiest park in the NPS. The visitor's naïveté and excitement seeing wildlife leads to constant stoppage in traffic and often the motorists leave their vehicles in the middle of the road to view and/ or photograph wildlife. Visitors constantly approach wildlife with cameras, elk calls, etc.

3. Managing people and bears in the Estes Valley

2012 Estes Valley Bear Education Task Force was established a couple of years ago to make presentations for groups, service clubs, visitors, HOAs, etc. Their PIO has created one message, "stash your trash". They have also created a restaurant pledge program that minimizes restaurant exposed trash. This program gets a lot of support. The PIO has also partnered with Waste Management, other trash haulers and created a Stash Your Trash newsletter. Town of Estes guiding principle is "enforcement after education". The Town has created a Wildlife Protection Ordinance, 2015 which goes into effect in 2016.

4. Operating Nonprofits in Destination Communities

Jill Lancaster was the presenter and she described the Estes Park Nonprofit Resource Center- this is an organization which offers training to other nonprofits, background support, and grant writing assistance. This group is also educating their community about Planned Giving. Also, this group has created a giving program like Colorado Gives. It is called Mountain Strong. The Estes Park Nonprofit demographics are as follows: 19% arts, 18% community, 17% human services, 7% youth and 39% other. The Town of Estes sees Non profits as an economic generator which keeps government out of social services, and a good use of public monies. But, because of a lot of overlap in mission, goals and objectives, the Town believes that inefficiencies exist.

An interesting statistic that was presented was that Estes Park funds the non profits at about 1% of their operating revenues. This is on par with most destination communities, but Aspen funds at about a 3.4% level and Vail funds their non-profits at about a 2.2%. Breckenridge funds non profits at about a 1.3% level with our \$280000 grants program. However, if you take into consideration our support of the BHA and BCA, Breckenridge's support of non profits is over 10%.

A question that Estes Park asks themselves: Does funding move the town's goals forward? Estes Park uses a scoring system as criteria for funding to help answer this question.

5. Reeves Brown, Project Coordinator, Building a Better Colorado- bipartisan group tackling the state's fiscal and electoral issues, including TABOR

1. Framing a conversation about the increasing number of amendments to our constitution, decreasing number of citizens who vote, the decreasing ability of our state government to meet the needs of the citizens

2. Engaging all Coloradans

3. The fiscal situation of Colorado.

This group is not advocating for any particular policy. But they are holding Community meetings, online discussions, parallel track of bipartisan research on issues and how possible solutions might fare in an election.

Some problems Mr. Brown highlighted are:

A. Colorado has one of the most easily amended state constitution. It's just as easy to amend the constitution as it is to amend law. But it is much more difficult to remove an amendment vs. changing a law.

B. Fiscal policy: unsustainable because of financial amendments to fund k-12 education, restrictions on revenue, and aging population. These restrictions on revenue stem from what Mr. Brown calls the unsustainable constitutional fiscal rule #1: TABOR continually decreases state revenues relative to the size of the economy because the economy grows faster than the TABOR limit.

Unsustainable Rule #2: Amendment 23 requires increased funding for k-12 education even during economic downturns.

Unsustainable rule 3: Gallagher amendment has resulted in continually shifting the k-12 funding cost from local to state government, which causes the k-12 slice of the budget to grow every year.

K-12 will grow 6%

Medicaid 8%

Revenues will go down 5%

The conclusion is that 2024 is the year we have a structural imbalance. Building a Better Colorado has as its timeframe a November 2016 ballot.

For more information contact Mr. Brown at reeves@betterco.org.

6. Frank Lancaster, Estes Park Town Manager, "Emergency preparedness and response"

Frank discussed his experiences regarding the floods of September 2013.

He had previously been involved with several emergencies, so his mantra is "practice helps". During the floods, Estes Park was an island with the only access coming over Trail Ridge Road. Phone lines were down and cell towers were down so Internet service was the only way to communicate. The Town of Estes had live meetings every day at 10 am from the town hall. These were live streamed to the rest of the community and the media. It was the only form of communicating available. Facebook and social media was used as a major outreach mechanism. Frank Urged all of the CAST communities to look at each town's purchasing policies, because often he needed to make purchase and acquisitions without input from the elected officials. Also, because so much was happening at once, the Town of Estes had to abandon its 24 hour public notice policy and they had numerous emergency meetings. In Estes the Town manager can declare an emergency without town board approval. However the emergency meeting must be approved within 72 hours by town board. There was a ton of media to deal with and his PIO dealt with all of it with "one voice". The elected officials were only involved with the media when asked. In order to recover economically, Estes Park created a planned and aggressive marketing. This was very helpful in bringing their revenues back within three months. Frank also urged CAST communities to practice emergency management. Estes Park carried a 25% emergency reserve going into the disaster. Another tip from Frank was for communities struck by a disaster to Keep track of all expenses. He did acknowledge that tracking expense is very important for FEMA reimbursement, but it never gets done well enough. He expects that the Town of Estes Park will likely recover about 85% of their financial outlay.

CML Policy Committee

October 16, 2015

Tim Gagen

On behalf of CML Policy Committee Chair Joseph Lucero, Alamosa mayor, staff submits the following for your review.

**Please note that recommendations of the Policy Committee do not become official CML positions until action is taken by the CML Board. The Board is scheduled to meet on November 20.

Planning ahead for December

The next meeting of the Policy Committee is December 4 from 10:00 – 1:30. Please save the date, if you have not already done so. RSVP information will be sent in mid-November.

New CML Legislative & Policy Advocate

The committee also got a chance to meet Dianne Criswell, who is starting tomorrow as CML's new Legislative & Policy Advocate. Dianne comes to CML from the City & County of Denver as a licensed attorney and a tax policy and finance guru. Dianne will be an excellent addition to your CML team, and I look forward to everyone having a chance to meet her.

CML Policy Committee Recommendations - Member proposals

Municipal Housing Authority – Term of commissioners

Proposed by: City of Rifle. *Lobbyist: Meghan Dollar.* Committee Recommendation: CML-initiated legislation to amend the statutes pertaining to municipal housing authorities to designate a 5-year term (current law), unless a different term is established by a municipality for its authority.

Land Use – Remove charter school exemption from local land use regs

Proposed by: City of Durango. *Lobbyist: Meghan Dollar.* No action taken. Deferred to December 4 meeting for further consideration of alternatives and collaborative approach with public and charter school organizations.

Health Care – Convert to single health care region

Proposed by: Town of Frisco. *Lobbyist: Kevin Bommer.* No action taken. Discussion only and staff presentation of issues. Deferred until a later date.

Action Items

Affordable Housing: Homeless Right to Rest Act

In 2014, Denver Homeless Out Loud and the American Civil Liberties Union introduced HB 15-1264 that would have created the "Colorado Right to Rest Act." HB 14-1264 attempted to apply certain rights to the homeless and allowed an individual to bring suit against local governments and businesses should they believe they were harassed. CML was successful in defeating this legislation. The ACLU plans to reintroduce the bill in the 2016 legislation session. **Staff recommendation: Oppose.** *Lobbyist: Meghan Dollar* Committee Recommendation: Oppose

Affordable Housing: State Low Income Housing Tax Credits

During the 2014 legislation session, HB 14-1017 was passed to create a state low income housing tax credit that is operated through the Colorado Housing and Finance Authority (CHFA). CML supported this legislation. The program was to sunset in two years and requires legislative action in 2016 to continue. In the last two years, nearly 2000 affordable housing units were developed in various municipalities throughout the state using state tax credits. This program is another tool for the state to develop affordable housing in communities. **Staff recommendation: Support.** *Lobbyist: Meghan Dollar* Committee Recommendation: Support

Emergency Management: TABOR Clarifications during Emergencies

During the 2014 session CML worked with the Joint Budget Committee to pass HB 14-1393 which clarified that federal funding passed through the state did not count toward a municipality's TABOR limit nor did it count as state funding for purposes of the enterprise test. Even with the passage of HB 14-1393, TABOR still needs surgical changes to allow municipalities to use their resources to full capacity during an emergency. That is why CML collaborated on the drafting of a concurrent resolution authorizing a referred ballot question to ask the voters to approve the following items:

- Define what an "emergency" within TABOR is. Currently, only what is not an emergency is defined.
- In the event of an emergency, allow a government to have a TABOR election on any date for purposes of obtaining additional resources to address any need caused by the emergency;
- Exclude emergency state aid from local fiscal year spending;
- Exclude state grants for emergency response and recovery from the enterprise compliance test; and
- Create an exemption for a government that uses its 3% reserve for responding to an emergency. In these circumstances they would not need to backfill the reserve until the fiscal year after the disaster is deemed ended.

CML is aware that any concurrent resolution, let alone one addressing TABOR, needs bipartisan support. CML has met with important stakeholders to get their feedback on proposed language. **Staff recommendation: Support.** *Lobbyist: Meghan Dollar.* Committee Recommendation: Support

Elections: Secretary of State's Technical Corrections bill

Major election legislation affecting municipal elections has been approved by the General Assembly in the past three sessions. The Secretary will be pursuing legislation to make various technical corrections to the Uniform Election Code in the wake of these major bills. The SoS is agreeable to CML and the municipal clerks addressing some of our own Municipal Election Code technical corrections in this bill. For example, last session the nomination petition process was advanced on the election calendar, but the associated date for cancelling an election should there be fewer candidates than vacancies to be filled, was not. **Staff recommendation: Staff discretion to support.** *Lobbyist: Geoff Wilson.* Committee Recommendation: Staff discretion to support

Elections: Signature Verification in Mail Ballot Elections

Last session, CML played an active role in defeating legislation that would have required signature verification in municipal mail ballot elections. CML did not oppose signature verification per se; there were practical and fiscal questions that needed to be resolved, however, making the 2015 legislation premature. CML committed to work to address our concerns and return with a bill in 2016, if that course proved practical. CML staff has worked with the Secretary of State's office to secure access for municipal clerks to the State's SCORE database of signatures, and our clerks are confident that fiscal impacts will be small. The bill will be carried by Rep Patrick Neville, (R), Castle Rock, whose bill CML opposed last session. We anticipate support from the Colorado Municipal Clerks Association and the Secretary of State for this legislation.

Staff recommendation: Support. *Lobbyist: Geoff Wilson.* Committee Recommendation: Support

Land Use: Special District Impact Fees

Several fire districts are still interested in passing legislation to allow a fire prevention district to impose an impact fee on new development within their jurisdiction. The intent is that the fee will be reasonably related to the overall cost of the fire protection districts services. During the December 2014 Policy Committee meeting, staff initially recommended CML support the proposed legislation. It was decided that CML would support the legislation on the condition that two amendments were made to the proposed legislation. One, the fire district should provide notice to any affected municipality. Two, the fire district would be required to update its service plan to reflect the additional impact fee. Staff has since met with the proponents and they have refused both amendments. As a result staff recommends CML take no position, and the proponents can take their chances directly with the Colorado Association of Realtors. **Staff recommendation: No Position.** *Lobbyist: Meghan Dollar.* Committee Recommendation: Oppose unless amended to 1) provide notice to affected municipalities, and 2) require service plan amendment.

Public Safety: Wildland Urban Interface (WUI) Code

A member of the wildfire matters review committee has submitted draft legislation to require cities and counties that have building codes and are in the wildland urban interface, to adopt the 2015 ICC WUI code or an equal or more stringent requirement, by early 2017. There is also a requirement for local governments to report adoption of the code to the Division of Fire Prevention and Control. This is an unfunded mandate that would add additional administrative code proceedings as well as require mitigation far beyond the ability of many small communities to enforce.

Recommendation: Oppose *Lobbyist: Meghan Dollar.* Committee Recommendation: Oppose

Sales and Use Tax: Appeal Bonds and Deposits

Late in the 2015 session, legislation was introduced to eliminate the appeal bond (two times the amount at issue) and deposit requirements for those who wish to appeal an adverse administrative tax decision. CML vigorously opposed the bill, not so much based on its substance as on process grounds: the bill was prepared without consultation with either municipalities or the Department of Revenue, and it was introduced at the end of the session when it would not receive the deliberate consideration that a bill on this important topic requires. The 2015 legislation was thereafter killed at its supporters' request. CML staff has met with the bill proponents and has had a chance to network this proposal among some of our tax professionals, who didn't have major issues with the bill last year and still don't. Recommendation reflects fact bill has not yet been written. **Staff recommendation: Staff discretion to support.** *Lobbyist: Geoff Wilson.* Committee Recommendation: Staff discretion to support

Sales and Use Taxes: Single Point of Licensing & Remittance Pilot Program

CML is presently in the middle of a major project to simplify our municipal tax system by developing and encouraging our members to adopt uniform sales and use tax definitions. This project, being conducted with the support of and in cooperation with the business community, will simplify the tax system that provides municipalities with over 70% of their general purpose tax revenues, without jeopardizing those revenues. This work is being done pursuant to a 2014 General Assembly resolution, SJR14-038. Another important step in simplifying the current system is providing a way that businesses can get tax licenses for every municipality in which they do business, and then remit the taxes owed to each of those jurisdictions, through a single web site. Many jurisdictions already provide for electronic filing and licensing on an individual jurisdiction basis. CML staff anticipates a 2016 resolution urging CML to follow up its definition project with work on a pilot program for a one point of licensing and remittance system. **Staff recommendation: Staff discretion to support.** *Lobbyist: Geoff Wilson.* Committee Recommendation: Staff discretion to support

Transportation: Off-Highway Vehicles (OHV)

An interim legislative committee will put forward a bill to bring minimal standardization to the use of OHVs (also known as all-terrain vehicles) on public roads. While OHVs will continue to be prohibited from travel on state highways, the bill includes a provision CML sought to allow OHVs to cross state highways in municipalities that allow their travel on municipal streets. The bill continues to empower municipalities and counties to decide whether to allow OHVs on their local roads. A few minimum standards will be required to be included in ordinances that authorize their use - including minimum age, insurance, helmets for drivers under 18, brakes, and lights. OHVs used on public roads would be required to obtain a special license plate from their county clerk. **Staff recommendation: Support.** *Lobbyist: TBD.* Committee Recommendation: Staff discretion to support

Public Safety: Wildfire Risk Reduction Grant Program

In the 2013 and 2015 Legislative sessions, CML supported the creation and continuance of the Wildfire Risk Reduction Grant (WRRG) program through the Department of Natural Resources. With WRRG, local governments, non-profits, and homeowner's associations are all eligible to apply for supplementation to mitigation projects. The program has awarded millions of dollars to projects for forest restoration and mitigation with the hope of minimizing future wildfire damage. The program was renewed for one year in 2015 so there will be necessary legislation to continue funding in 2016. At this time, the program does not have funding in the Governor's budget, however, this program provides significant support for wildfire mitigation and CML staff recommends that the League take a support position to continue to fund the program. **Staff recommendation: Support.** *Lobbyist: Meghan Dollar.* Committee Recommendation: Support

Urban renewal: Downtown Development Authority statutes

According to a proposal made by Teller County to CCI's legislative steering committee, "current TIF rules require counties and other subdivisions of government to subsidize municipal economic development projects." A proposal has been made to CCI by Teller County to modify DDA statutes to "match the TIF rules." It is not yet clear if that proposal to seek legislation was approved by CCI's steering committee and board. However, if CCI intends to move forward, staff will bring the details and a recommendation to the Policy Committee on December 4. *Lobbyist: Kevin Bommer*

Marijuana: State special sales tax shareback

A proposal made to CCI's legislative steering committee may result in proposed legislation attempting to amend the provisions of the state sales tax shareback to local governments with approved retail sales and carve out half of the shareback for based on cultivation and production. When the deal was cut for a state shareback in 2013, CCI passed on

the opportunity for inclusion in the shareback beyond any retail sales counties may receive. If CCI pursues this legislation, staff will bring the details and a recommendation to the December 4 Policy Committee meeting. *Lobbyist: Kevin Bommer*

Summit Stage Advisory Board **October 28, 2015** **James Phelps**

Jim Andrews – Summit Stage Director reported that RNL group is working on the Frisco Transfer Center Master Plan. The project will be phased and initial construction is proposed for spring 2016. The Stage’s smart bus project is on schedule and will be deployed by Nov. 22nd. The first phase will include: passenger counting system, mobile app and bus tablets. The Winter Service Schedule will begin on Nov. 22, 2015. The Blue River route will also begin on Nov. 22nd. Stop locations and times will be posted this month. For the month of August, Mass Transit Tax receipts were 3.9% over August 2014. Tax receipts for the year are up 8.8% over 2014 and 6.8% over 2015 Budget.

Committees	Representative	Report Status
CAST	Mayor Warner	Included
CDOT	Tim Gagen	Included
CML	Tim Gagen	Included
I-70 Coalition	Tim Gagen	No Meeting/Report
Mayors, Managers & Commissioners Meeting	Mayor Warner	Verbal Report
Liquor Licensing Authority*	Helen Cospolich	No Meeting/Report
Wildfire Council	TBD	No Meeting/Report
Breckenridge Creative Arts	Robb Woulfe	No Meeting/Report
Summit Stage Advisory Board*	James Phelps	Included
Police Advisory Committee	Chief Haynes	Included
CMC Advisory Committee	Tim Gagen	No Meeting/Report
Recreation Advisory Committee	Mike Barney	No Meeting/Report
Housing and Childcare Committee	Laurie Best	No Meeting/Report
Childcare Advisory Committee	Laurie Best	No Meeting/Report
Breckenridge Events Committee	Kim Dykstra	No Meeting/Report
Sustainability Task Force	Mark Truckey	No Meeting/Report

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

*Minutes to some meetings are provided in the Manager’s Newsletter.



MEMORANDUM

To: Tim Gagen, Town Manager; Rick Holman, Assistant Town Manager
From: Finance and Municipal Services Dept.
Date: November 3, 2015
Subject: *Changes to the 2016 Proposed Budget and 2015 budget per the October 27, 2015 Retreat*

The attached fund summary pages show the changes per Council to the 2015 and 2016 budgets per the outcome of the October 27, 2015 budget retreat as well as a few other minor items. Also attached is a Reserves Analysis updated for the below changes.

Details of all budget changes are below:

GENERAL FUND:

2015 increase in expenses:

- Solar garden purchase (\$500k in 2015) \$ 500,000

2016 changes in expenses:

- Additional PD staff member \$ 65,506
- Misc. changes to benefits for HR dept. \$ (2,999)
- \$ 62,507

2016 increase in Revenue:

- Transfer from Excise (solar garden purchase in 2015) \$ 512,507
- Correction to show BGVCC \$50k annual contribution \$ 50,000
- \$ 562,507

AFFORDABLE HOUSING FUND:

2016 increase in Revenue:

- Transfer from Excise \$1,000,000

CHILD CARE FUND:

2016 increase in Revenue:

- Transfer from Excise \$ 100,000

CAPITAL FUND:

2015 increases in expenses:

- Recycling Center Landscaping \$ 75,000

2015 increase in Revenue:

- Transfer from Excise \$ 75,000

2016 increases in expenses:

- RWC Stage Rigging \$ 130,000
 - Arts District Production Equipment \$ 70,000
 - Ice Rink Roof \$ 1,200,000
 - Public Radio Utility Line \$ 20,000
 - Recreation Center Facilities Improvements \$ 150,000
- \$ 1,570,000**

2016 increase in Revenue:

- Transfer from Excise \$ 1,570,000

SPECIAL PROJECTS FUND:

2015 increase in expenses:

- Operating expenditures \$ 200,000

2015 increase in revenues:

- Transfer from Excise \$ 200,000

2016 increases in expenses:

- Increase to Grants \$ 10,000

2016 increase in Revenue:

- Transfer from Excise \$ 10,000

GOLF FUND:

2016 changes in expenses:

- Miscellaneous changes in organization \$ 384,727
 - Solar Garden-reduction in utility expense \$ (21,497)
- \$ 363,230**

2016 increases in Revenue:

- Miscellaneous changes in organization \$ 404,801
 - Solar Garden-REC Credits \$ 10,695
- \$ 415,496**

WATER UTILITY FUND:

2016 decrease in expenses:

- Solar Garden-reduction in utility expense \$ (7,008)

2016 increase in Revenue:

- Solar Garden-REC Credits \$ 3,487

EXCISE FUND:

2015 increases in expenses:

- Transfer to Capital Fund \$ 75,000
 - Transfer to Special Projects Fund \$ 200,000
- \$ 275,000**

2016 increases in expenses:

- Transfer to General Fund \$ 512,507
 - Transfer to Capital Fund \$1,570,000
 - Transfer to Affordable Housing Fund \$1,000,000
 - Transfer to Child Care Fund \$ 100,000
 - Transfer to Special Projects Fund \$ 10,000
- \$3,192,507**

Staff will be available at the November 10 work session to answer any questions Council may have.

TOWN OF BRECKENRIDGE
FUND BALANCE REPORT
GENERAL FUND

JANUARY 1,2014	FUND BALANCE	\$	21,263,412
	ACTUAL REVENUE	\$	21,470,052
	ACTUAL EXPENSES	\$	19,873,305
	GAIN / (REDUCTION)	\$	<u>1,596,747</u>
DECEMBER 31,2014	FUND BALANCE	\$	22,860,159
JANUARY 1,2015	FUND BALANCE	\$	22,860,159
	PROJECTED REVENUE	\$	22,733,070
	PROJECTED EXPENSES	\$	23,694,743
	BUDGETED GAIN / (REDUCTION)	\$	<u>(961,673)</u>
DECEMBER 31,2015	FUND BALANCE	\$	21,898,486
JANUARY 1,2016	FUND BALANCE	\$	21,898,486
	BUDGETED REVENUE	\$	24,239,864
	BUDGETED EXPENSES	\$	23,689,864
	BUDGETED GAIN / (REDUCTION)	\$	<u>550,000</u>
DECEMBER 31,2016	FUND BALANCE	\$	22,448,486
	TABOR RESERVED FUNDS	\$	(1,343,372)
	MEDICAL INSURANCE RESERVE	\$	(600,000)
	OPERATIONS RESERVE	\$	(7,896,621)
	BUDGETED NET FUND BALANCE	\$	<u><u>12,608,492</u></u>

AFFORDABLE HOUSING FUND

JANUARY 1,2014	FUND BALANCE	\$ 13,096,684	
	REVENUE	\$ 2,402,322	
	EXPENSES	\$ 1,206,355	
	INCREASE/ (REDUCTION)	<u>\$ 1,195,967</u>	
DECEMBER 31,2014	FUND BALANCE	<u>\$ 14,292,651</u>	
JANUARY 1,2015	FUND BALANCE	\$ 14,292,651	
	PROJECTED REVENUE	\$ 2,547,924	
	PROJECTED EXPENSES	\$ 8,233,328	
	PROJECTED INCREASE/ (REDUCTION)	<u>\$ (5,685,404)</u>	
DECEMBER 31,2015	FUND BALANCE	<u>\$ 8,607,247</u>	
JANUARY 1,2016	FUND BALANCE	\$ 8,607,247	
	BUDGETED REVENUE	\$ 3,499,348	
	BUDGETED EXPENSES	\$ 7,611,721	
	BUDGETED GAIN / (REDUCTION)	<u>\$ (4,112,373)</u>	
DECEMBER 31,2016	FUND BALANCE	<u>\$ 4,494,874</u>	FULLY APPROPRIATED

**TOWN OF BRECKENRIDGE
2016
ANNUAL BUDGET
CHILD CARE FUND ANALYSIS**

	2014 ACTUAL	2015 BUDGET	2015 ESTIMATED	2016 PROPOSED
FUND BALANCE, JANUARY 1	\$ -	\$ (2,148,709)	\$ (2,148,709)	\$ 2,540,560
<u>REVENUES</u>				
Transfer from Excise	\$ -	\$ 2,300,004	\$ 2,300,004	\$ 100,000
Transfer from Affordable Housing	\$ 813,864	\$ 2,376,000	\$ 2,376,000	\$ -
Transfer from Marijuana	\$ -	\$ 789,996	\$ 789,996	\$ 196,366
Investment Income	\$ 11,969	\$ 16,524	\$ 11,013	\$ 11,233
Debt Repayment	\$ 72,490	\$ -	\$ -	\$ -
TOTAL REVENUES	<u>\$ 898,323</u>	<u>\$ 5,482,524</u>	<u>\$ 5,477,013</u>	<u>\$ 307,599</u>
TOTAL AVAILABLE	<u>\$ 898,323</u>	<u>\$ 3,333,815</u>	<u>\$ 3,328,304</u>	<u>\$ 2,848,159</u>
<u>EXPENDITURES</u>				
Personnel	\$ 16,472	\$ 76,211	\$ 34,692	\$ 39,916
Materials and Supplies	\$ -	\$ -	\$ -	\$ -
Charges for Services	\$ 15,404	\$ 8,976	\$ 47,272	\$ 70,972
Grants	\$ 639,156	\$ 683,280	\$ 705,780	\$ 710,611
Transfer to Excise	\$ 2,376,000	\$ -	\$ -	\$ -
Fully Appropriated Fund Balance	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL EXPENDITURES	<u>\$ 3,047,032</u>	<u>\$ 768,467</u>	<u>\$ 787,744</u>	<u>\$ 821,499</u>
FUND BALANCE, DECEMBER 31	<u>\$ (2,148,709)</u>	<u>\$ 2,565,348</u>	<u>\$ 2,540,560</u>	<u>\$ 2,026,660</u>

**TOWN OF BRECKENRIDGE
ANNUAL BUDGET
CAPITAL PROJECTS FUND ANALYSIS**

	2014 ACTUAL	2015 BUDGET	2015 ESTIMATED	2016 PROPOSED
FUND BALANCE, JANUARY 1	\$ 7,207,468	\$ 3,507,274	\$ 3,507,274	\$ 5,172,478
REVENUES				
Grants	\$ 521,575	\$ -	\$ -	\$ -
Misc. Income	\$ 61,776	\$ -	\$ -	\$ -
Interest Income	\$ (0)	\$ -	\$ -	\$ -
Summit County Payment	\$ 1,645,067	\$ 265,754	\$ 2,600,000	\$ -
Parking District	\$ -	\$ -	\$ -	\$ -
McCain Rent/Rock Royalties	\$ 98,032	\$ 102,750	\$ 102,750	\$ 100,000
Transfer from General Fund	\$ 517,000	\$ -	\$ -	\$ -
Transfer from Open Space	\$ -	\$ 625,000	\$ 625,000	\$ 240,000
Transfer from Excise Tax	\$ 9,080,583	\$ 5,947,450	\$ 5,872,450	\$ 6,298,000
Transfer from Conservation	\$ 55,000	\$ 65,004	\$ 65,004	\$ 44,000
Previous Spending Authority	\$ -	\$ -	\$ -	\$ -
Supplemental Appropriations	\$ -	\$ -	\$ -	\$ -
TOTAL REVENUES	\$ 11,979,032	\$ 7,005,958	\$ 9,265,204	\$ 6,682,000
TOTAL AVAILABLE	\$ 19,186,500	\$ 10,513,232	\$ 12,772,478	\$ 11,854,478
EXPENDITURES				
Current Capital Projects	\$ 15,679,226	\$ 7,005,952	\$ 5,500,000	\$ 6,682,000
Previous Spending Authority	\$ -	\$ -	\$ 2,100,000	\$ 5,172,478
TOTAL EXPENDITURES	\$ 15,679,226	\$ 7,005,952	\$ 7,600,000	\$ 11,854,478
FUND BALANCE, DECEMBER 31	\$ 3,507,274	\$ 3,507,280	\$ 5,172,478	\$ 0

TOWN COUNCIL ACTION:

Capital Improvement Plan Summary for 2016

A list			B List	Total of A & B Projects	Annual Impact on Operational Budget
Other Funding	Capital Fund	Total cost			

Administration

Iron Springs Contribution	0	337,000	337,000	0	337,000	0
Riverwalk Center Lobby	0	450,000	450,000	0	450,000	16,000
Riverwalk Stage Rigging	0	130,000	130,000	0	130,000	
Arts District Production Equipment	0	70,000	70,000	0	70,000	
Public Radio Utility Line	0	20,000	20,000	0	20,000	
Total	0	1,007,000	1,007,000	0	1,007,000	16,000

Recreation

Recreation Center Elevator	0	200,000	200,000	0	200,000	0
Kingdom Park Playground	0	180,000	180,000	0	180,000	2,700
Recreation Center Tennis Courts	0	200,000	200,000	0	200,000	-6,000
Outdoor Ice Rink Roof	0	1,200,000	1,200,000	0	1,200,000	-38,000
Recreation Facilities Improvements	0	150,000	150,000	0	150,000	??
Total	0	1,930,000	1,930,000	0	1,930,000	-41,300

Public Works

Utility Undergrounding	0	0	0	0	0	0
Roadway Resurfacing	0	1,100,000	1,100,000	0	1,100,000	0
Four O'clock Landscaping	0	180,000	180,000	0	180,000	40,000
Pinewood Sidewalk Connection	0	220,000	220,000	0	220,000	1,500
McCain MP/Implementation	100,000	0	100,000	0	100,000	0
Blue River Reclamation	240,000	560,000	800,000	0	800,000	0
Airport Road Ski Entrance	0	160,000	160,000	0	160,000	0
French Gulch Road Bus Turnaround	0	185,000	185,000	0	185,000	7,500
Parking Structure	0	500,000	500,000	0	500,000	0
Transit Technology Enhancements	0	500,000	500,000	0	500,000	60,000
TOTAL	340,000	3,405,000	3,745,000	0	3,745,000	109,000

Community Development

Blue River Parks	0	0	0	500,000	500,000	???
TOTAL	0	0	0	500,000	500,000	0

GRAND TOTAL	340,000	6,342,000	6,682,000	500,000	7,182,000	83,700
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Funding Sources

	Other Funding	Capital Fund	Total Funds
Current Revenue/Reserves	-	6,298,000	6,298,000
McCain Revenues	100,000		100,000
Open Space Fund (Blue River Reclaim)	240,000		240,000
Conservation Trust Transfer	44,000		44,000
TOTAL	384,000	6,298,000	6,682,000

**TOWN OF BRECKENRIDGE
2016 ANNUAL BUDGET
SPECIAL PROJECTS FUND ANALYSIS**

	2014 ACTUAL	2015 BUDGET	2015 ESTIMATED	2016 PROPOSED
FUND BALANCE, JANUARY 1	\$ 280,423	\$ 557,351	\$ 557,351	\$ 590,196
<u>REVENUES</u>				
Transfer from Excise	\$ 2,324,696	\$ 2,533,809	\$ 2,533,809	\$ 2,359,428
Grants	\$ -	\$ -	\$ 15,000	\$ -
Arts and Culture Revenue	\$ 522,104	\$ -	\$ 1,440	\$ -
Reusable Bag Program	\$ 78,867	\$ 70,008	\$ 92,026	\$ 85,000
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL REVENUES	\$ 2,925,667	\$ 2,603,817	\$ 2,642,275	\$ 2,444,428
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL AVAILABLE	<u>\$ 3,206,090</u>	<u>\$ 3,161,168</u>	<u>\$ 3,199,626</u>	<u>\$ 3,034,624</u>
<u>EXPENDITURES</u>				
BHA Operations	\$ 341,696	\$ 370,000	\$ 300,000	\$ 420,000
BHA Capital Outlay	\$ 536,195	\$ 316,805	\$ 250,000	\$ 265,000
BHA Reserve		\$ 50,000		\$ 50,000
Fire Mitigation	\$ 38,316	\$ 30,000	\$ 30,000	\$ 15,000
Grants	\$ 260,850	\$ 288,095	\$ 287,000	\$ 297,000
Operations-Arts and Culture	\$ 1,413,518	\$ 1,626,035	\$ 1,672,430	\$ 1,817,621
Operations-Reusable Bag Program	\$ 58,162	\$ 69,996	\$ 70,000	\$ 70,000
Fully Appropriated Fund Balance		<u>\$ 253,768</u>		
	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL EXPENDITURES	<u>\$ 2,648,737</u>	<u>\$ 3,004,699</u>	<u>\$ 2,609,430</u>	<u>\$ 2,934,624</u>
	<hr/>	<hr/>	<hr/>	<hr/>
FUND BALANCE, DECEMBER 31	<u>\$ 557,351</u>	<u>\$ 156,469</u>	<u>\$ 590,196</u>	<u>\$ 100,000</u>

GOLF FUND

January 1, 2014	FUND BALANCE	\$	1,607,321
	REVENUE	\$	2,127,122
	EXPENSES	\$	1,428,824
	ACTUAL GAIN / (REDUCTION)	\$	698,298
<hr/>			
December 31, 2014	FUND BALANCE	\$	2,305,619
January 1, 2015	FUND BALANCE	\$	2,305,619
	PROJECTED REVENUE	\$	2,202,255
	PROJECTED EXPENSES	\$	3,607,683
	PROJECTED GAIN / (REDUCTION)	\$	(1,405,428)
<hr/>			
December 31, 2015	FUND BALANCE	\$	900,191
<hr/>			
	EQUIPMENT REPLACEMENT RESERVE	\$	81,000
	PROJECTED AVAILABLE FUND BALANCE	\$	819,191
<hr/>			
January 1, 2016	FUND BALANCE	\$	900,191
	BUDGETED REVENUE	\$	2,569,465
	BUDGETED EXPENSES	\$	2,947,524
	BUDGETED GAIN / (REDUCTION)	\$	(378,059)
<hr/>			
December 31, 2016	FUND BALANCE	\$	522,132
<hr/>			
	EQUIPMENT REPLACEMENT RESERVE	\$	162,000
	PROPOSED AVAILABLE FUND BALANCE	\$	360,132
<hr/>			

**TOWN OF BRECKENRIDGE
2016 ANNUAL BUDGET
GOLF FUND ANALYSIS**

	2014 ACTUAL	2015 BUDGET	2015 ESTIMATED	2016 PROPOSED	2016 CHANGES	2016 AMENDED
FUND BALANCE, JANUARY 1	\$ 1,607,321	\$ 2,305,619	\$ 2,305,619	\$ 900,191		\$ 900,191
REVENUES						
Greens Fees	\$ 1,098,803	\$ 1,190,249	\$ 1,160,000	\$ 1,130,250	\$ -	\$ 1,130,250
Cart Rentals	\$ 364,994	\$ 344,999	\$ 370,000	\$ 360,001	\$ -	\$ 360,001
Resident Cards	\$ 515,014	\$ 510,725	\$ 521,900	\$ 511,725	\$ -	\$ 511,725
Clubhouse Lease	\$ 36,153	\$ 40,000	\$ 40,000	\$ 40,000	\$ (8,000)	\$ 32,000
Driving Range Fees	\$ 47,820	\$ 53,000	\$ 48,500	\$ 50,000	\$ 47,000	\$ 97,000
Pro Shop Retail	\$ -	\$ -	\$ -	\$ -	\$ 374,800	\$ 374,800
Golf Lessons	\$ -	\$ -	\$ -	\$ -	\$ 25,000	\$ 25,000
Other Income	\$ 60,605	\$ 61,491	\$ 58,421	\$ 58,491	\$ (23,304)	\$ 35,187
Transfer From Excise Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest	\$ 3,732	\$ 5,160	\$ 3,434	\$ 3,502	\$ -	\$ 3,502
TOTAL REVENUES	\$ 2,127,122	\$ 2,205,624	\$ 2,202,255	\$ 2,153,969	\$ 415,496	\$ 2,569,465
TOTAL AVAILABLE	\$ 3,734,443	\$ 4,511,243	\$ 4,507,874	\$ 3,054,160		\$ 3,469,656
EXPENDITURES						
Administrative	\$ 159,299	\$ 178,175	\$ 164,489	\$ 187,234	\$ -	\$ 187,234
Equipment Maintenance	\$ 158,832	\$ 153,931	\$ 145,843	\$ 156,680	\$ -	\$ 156,680
Course Maintenance	\$ 642,274	\$ 724,273	\$ 697,368	\$ 722,459	\$ (21,497)	\$ 700,962
Capital Projects	\$ 31,909	\$ 2,107,393	\$ 2,073,000	\$ 974,700	\$ -	\$ 974,700
Operations / Customer Srvc.	\$ 436,510	\$ 511,718	\$ 526,983	\$ 543,221	\$ 384,727	\$ 927,948
Transfer to General Fund						
Fully Appropriated Fund Balance						
TOTAL EXPENDITURES	\$ 1,428,824	\$ 3,675,490	\$ 3,607,683	\$ 2,584,294	\$ 363,230	\$ 2,947,524
FUND BALANCE, DECEMBER 31	\$ 2,305,619	\$ 835,753	\$ 900,191	\$ 106,636		\$ 522,132
EQUIPMENT REPLACEMENT RESERVE BALANCE		\$ 81,000	\$ 81,000	\$ 162,000		\$ 162,000
AVAILABLE FUND BALANCE	\$ 2,305,619	\$ 754,753	\$ 819,191	\$ (55,364)	\$ 52,266	\$ 360,132

TOWN COUNCIL ACTION:

UTILITY FUND

January 1, 2014	FUND BALANCE	\$	8,491,355
	REVENUE	\$	4,075,352
	EXPENSES	\$	<u>2,354,081</u>
	ACTUAL GAIN / (REDUCTION)	\$	1,721,270
December 31, 2014	FUND BALANCE	\$	<u><u>10,212,625</u></u>
January 1, 2015	FUND BALANCE	\$	10,212,625
	PROJECTED REVENUE	\$	4,497,811
	PROJECTED EXPENSES	\$	<u>4,063,245</u> \$
	PROJECTED GAIN / (REDUCTION)	\$	434,566
December 31, 2015	FUND BALANCE	\$	<u><u>10,647,191</u></u>
January 1, 2016	FUND BALANCE	\$	10,647,191
	BUDGETED REVENUE	\$	5,613,072
	BUDGETED EXPENSES	\$	<u>6,345,599</u>
	PROPOSED GAIN / (REDUCTION)	\$	(732,527)
December 31, 2016	FUND BALANCE	\$	<u><u>9,914,664</u></u>
	RESERVED FOR DEBT SERVICE	\$	37,000
	AVAILABLE FUND BALANCE	\$	<u><u>9,877,664</u></u> Fully appropriated

TOWN OF BRECKENRIDGE
 FUND BALANCE REPORT 2016
 EXCISE TAX FUND

JANUARY 1,2014	FUND BALANCE	\$ 7,740,721
	ACTUAL REVENUE	\$ 26,120,326
	ACTUAL EXPENSES	\$ 25,976,929
	PROJECTED GAIN / (REDUCTION)	<u>\$ 143,397</u>
DECEMBER 31,2014	FUND BALANCE	\$ 7,884,118
JANUARY 1,2015	FUND BALANCE	\$ 7,884,118
	PROJECTED REVENUE	\$ 26,386,077
	PROJECTED EXPENSES(INCLUDING APPROPRIATIONS)	\$ 25,648,396
	BUDGETED GAIN / (REDUCTION)	<u>\$ 737,681</u>
DECEMBER 31,2015	FUND BALANCE	\$ 8,621,799
JANUARY 1,2016	FUND BALANCE	\$ 8,621,799
	BUDGETED REVENUE	\$ 25,599,970
	BUDGETED EXPENSES	\$ 27,142,995
DECEMBER 31,2016	BUDGETED GAIN / (REDUCTION)	<u>\$ (1,543,025)</u>
	FUND BALANCE BEFORE RESERVES	\$ 7,078,774
	RESERVED FOR DEBT SERVICE	\$ (569,658)
	DISCRETIONARY RESERVE FOR DEBT SERVICE	\$ (564,408)
	DISCRETIONARY CAPITAL RESERVE	<u>\$ -</u>
	BUDGETED NET FUND BALANCE	<u><u>\$ 5,944,708</u></u>

	Budgeted Fund				
	Balance 12/31/16	Required	Council Policy	TOTAL Reserves	Net Balance
General Fund	\$ 22,448,485	\$ (1,343,372)	\$ (8,496,621)	\$ (9,839,993)	\$ 12,608,491
Excise Fund	7,201,687	(569,658)	(564,408)	(1,134,066)	6,067,621
Capital	5,172,479	(5,172,479)	-	(5,172,479)	-
Marketing	39,967	-	(39,967)	(39,967)	-
	\$ 34,862,617	\$ (7,085,509)	\$ (9,100,996)	\$ (16,186,505)	\$ 18,676,112

General Fund:	Operations, Medical, and TABOR reserves
Excise Fund:	C.O.P. Debt Service Reserve (2 years)
Marketing:	Fund Balance reserved for marketing efforts

Net Balance at Retreat:	22,164,455
Decrease:	3,488,343
General Fund-Reserves Change	20,836 *
Additional expenses/transfers	
Excise Fund 2015	275,000
Excise Fund 2016	3,192,507
	3,467,507
Total Decrease To Reserves	3,488,343

*General Fund Reserves changed slightly due to changes in operating expenses in 2016



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

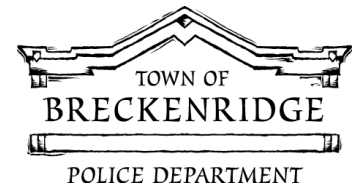
39
40
41
42
43 _____
44 Helen Cospolich, Town Clerk

John G. Warner, Mayor

45 APPROVED IN FORM

46
47
48
49
50 _____
Town Attorney

Date



MEMORANDUM

To: Mayor and Town Council
From: Shannon Haynes, Chief of Police
Tom Daugherty, Director of Public Works
Date: November 3, 2015
Subject: Airport Road Safety Improvements

As a result of two serious pedestrian-vehicle accidents in the area of 609 Airport Road within nine months of one another, staff has spent the last several weeks collecting and analyzing data on a number of factors associated with overall pedestrian and motor vehicle safety in this area. These factors included: the light produced by current street lights, traffic speeds, and the visibility of the current crosswalk. Based on this review several recommendations are noted below.

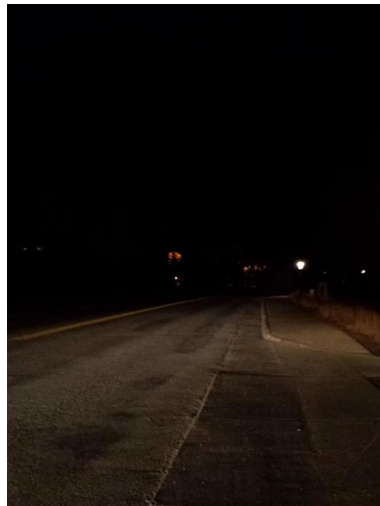
Illumination

Illumination appears to be a contributing factor in the overall safety of several areas of Airport Road, including the area around the crosswalk near 609 Airport Road and the area at the north-end of Airport Road, near the marijuana shops, which was previously identified and approved for lighting and sidewalk improvements.

When addressing the issues associated with the accidents on Airport Road, staff believes our goal should be to improve the lighting at crosswalks. While lit sidewalks are important for the overall safety of pedestrians from the perspective of trips and falls, or criminal acts, it does not reduce the likelihood of pedestrian-vehicle conflicts that occur in the roadway. The Federal Highway Administration (FHWA) found the primary cause of pedestrian-vehicle crashes appears to be the lack of visibility of pedestrians as they crossed the road. There are several factors that contribute to a driver's ability to see a pedestrian in the road, including: distance, type of street lamp, color of pedestrian clothing, contrast between the pedestrian and the visual background, glare, etc.

To address these issues staff recommends engaging our street light vendor to assist in the creation of a plan that will specifically address lighting in areas of concern. In specific regard to the crosswalk at 609 Airport Road it is imperative that a lighting plan maximize the contrast between pedestrians on or near the crosswalk and the visual background from the perspective of approaching drivers. Based on several visual inspections of the area, staff found the current lights with 20 watt LED bulbs do not effectively illuminate the area in and around the crosswalk. Further, in the area of 609 Airport Road, the Pinewood Village apartment complex gives off a significant amount of light on the west-side of the roadway. The disparity in the lighting between the west and east sides of the street, in combination with the current town lights on the east-side of the roadway, creates dark spaces where there is little to no light between the street lights.

In an effort to address this issue, staff tested 60 watt LED bulbs in the current lights on the east-side of the roadway. Below are several photos of the illumination with 20 watt LED and 60 watt LED bulbs, which show very little difference.



Facing North beyond crosswalk near 609 Airport Road with headlights; 20 watt LED lamp bulbs & 60 watt LED lamp bulbs



Facing North prior to crosswalk at 609 Airport Road, with headlights and person near crosswalk; 20 watt LED lamp bulbs



Facing North prior to crosswalk at 609 Airport Road, with headlights and person near crosswalk; 60 watt LED lamp bulbs

Based on the factors described above, when staff is working with the lighting vendor we may need to consider a lighting plan that includes the use of a variant light fixture in order to achieve our lighting goal.

Speed

Based on a twenty-four hour speed study conducted near 609 Airport Road and just north of 1095 Airport Road (Public Works) on Thursday, September 17th it does not appear speed is contributing to an unsafe condition on Airport Road. The speed data at 609 Airport Road revealed that the 85th percentile of vehicles is traveling between 28-30mph in a 25mph zone. The speed data north of 1095 Airport Road revealed that the 85th percentile is traveling between 35-39mph in a 35mph zone. Data from the speed study indicates a limited number of vehicles are traveling at more than 10mph over the speed limit. To address this issue the police department will engage in traffic enforcement during normal commuter hours.

It should also be noted that there is no evidence speed was a factor in the recent fatal motor vehicle accident at 609 Airport Road.

Crosswalk

With regard to the crosswalk in the area of 609 Airport Road, there are two concerns – the visibility of the crosswalk and pedestrian use of the crosswalk. To increase visibility and pedestrian’s desire to use the crosswalk staff recommends installing flashing crosswalk signs on the east and west sides of the roadway. These signs require a pedestrian to push a button in order for the sign to flash; however once the button is pushed the sign will immediately begin to flash. The cost for one crosswalk is about \$7,000.



Additional Options

Public Works has budgeted for extension of the west-side sidewalk in 2016. The sidewalk on the west-side of Airport Road will run the distance from Park Avenue to Claimjumper Condominiums at 877 Airport Road.

Education for pedestrians and drivers is imperative to increase awareness around roadway safety. The police department will undertake an education campaign around safe pedestrian and bicycle movements, as well as driver awareness.

In addition to the recommendations noted above for Airport Road, staff is working on a comprehensive plan to address roadway safety issues. The safety plan will include threshold recommendations for when an area (e.g. crosswalk) should be enhanced.

Tom and I will be available at the Council meeting on Tuesday, November 10th to answer any questions.

MEMO

TO: Breckenridge Town Council
FROM: Laurie Best, Community Development Department
RE: Claimjumper Condo/Little B Enclave Annexation
DATE: November 3, 2015 (for worksession November 10, 2015)

The purpose of this memo is to provide the Council with an update in regard to the annexation of the Claimjumper Condos and the Little B Mobile Home Park on Airport Road. Because this property is an enclave, the process for this annexation will be different from the other annexations that have been presented recently to Council, such as Huron Landing which was a Petition for Annexation and Pinewood 2 which involved the annexation of municipally owned land.

In this case, because the Claimjumper Condos and the Park are entirely contained within the outer boundaries of the Town, they are an enclave as defined by Colorado Law. The State Statute provides that a municipality may annex an enclave by ordinance if the area has been surrounded for at least 3 years. As a result of the Town annexation of the Pinewood 2/Claimjumper property in 2012, the Claimjumper Condos and the Park became an enclave in 2012. Since the enclave has now been surrounded by the Town for more than 3 years staff recommends that it be annexed through the enclave process.

The process and estimated timeline is as follows:

- Adoption of Annexation Ordinance on first reading (December 8th)
- Publication once a week for four successive weeks with the first publication at least 30 days prior to the date of the adoption of the annexation ordinance
- Adoption of Annexation Ordinance on second reading (January 12th)
- Annexation map and ordinance to be recorded/filed with the County Clerk and Recorder (January 2016)
- Ordinance to place the property into a Land Use District to run concurrently with the annexation ordinance. Staff is recommending Land Use District 9.2 (Residential)

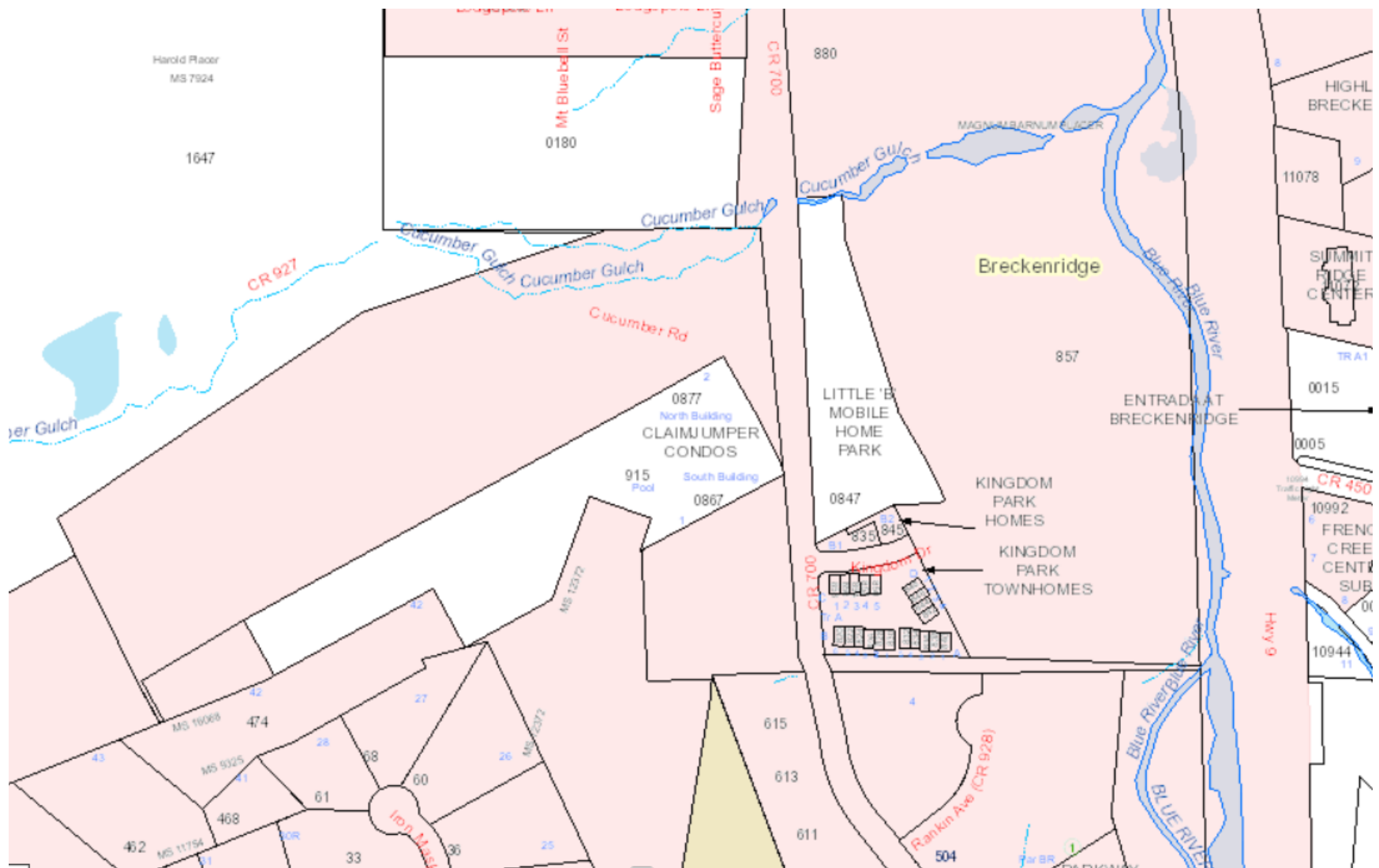
In addition to the notice that is required by the State Statute, staff also proposes to reach out to the property owners within the enclave to advise them of the annexation, and to provide general information including some of the cost and benefits associated with the annexation (see the attached draft information sheet). It should be noted that the Claimjumper Condos are already connected to the Town water system as well as the Upper Blue Sanitation District. An out of Town Water Service Agreement was executed in 1975 that requires the Condos apply for annexation as soon as the property is eligible. It became eligible in 2012.

The Town's Master Plan which is the Town Land Use District Map designates the enclave as Land Use District 9.2 which allows for moderately high density residential use

at 10 UPA. This is consistent with the residential zoning at Pinewood 1 and 2, as well as the Kingdom Park Townhomes which are all in the immediate vicinity. The condominiums and the mobile home park were developed under Summit County zoning, and therefore some aspects may not comply with the 9.2 land use district and/or the Town's Development Code. However, the existing uses and structures will be considered legal non-conforming upon annexation. There are currently 34 condos on the 6.5 acre Claimjumper Condo site and 31 mobile homes on the 2.7 acre Park site.

Staff Recommendation:

Staff recommends the annexation process as described above be initiated and will be available at your worksession on November 10th to discuss this project or answer any questions.



DRAFT (Nov 4 2015) -ADD TOB LOGO FOR MAILING

Benefits and Costs of Annexation

Town Boards and Commissions – Residents are eligible to vote in Town elections and serve on Town boards and commissions. To serve on a Town board or commission, a citizen must have been a resident of the town or annexed territory for one year, be registered to vote, and be a US citizen.

Voter Registration – Residents currently registered to vote do not need to re-register. Voter registration records will be updated to reflect Breckenridge voter status.

Police Services – Police services will now be provided by the Breckenridge Police Department, which is usually on patrol in the immediate area already. The non-emergency telephone number is 668-8600. (For emergencies, call 911).

Golf Course – Would be eligible for passes available to Town residents. Golf course can be reached at (970) 453-9104.

Recreation Center – Residents will receive in-town rates for various Recreation Center passes and fees. Call (970) 453-1734 for more information about the Recreation Center.

Steve C. West Ice Arena - Residents will receive in-town rates for various Ice Arena passes and fees. Call (970) 547-9974 for more information about the Recreation Center.

Gold Run Nordic Center – Residents will receive in-town rates for most passes. For more information, call (970) 547-7889.

Water Rates –Water rents at the in-Town rate are 33% less than the out of town rates.

Additional Taxes and Regulations include:

Business Occupational License Tax (BOLT) – An accommodation unit rented on a short-term basis must be licensed annually. An accommodation information sheet will be sent and must be completed by each homeowner to inform the town of the current use of the unit. In addition, a business or office located in the home requires an “in-home” occupation license. Please contact the Town Clerk’s office at websitclerk@townofbreckenridge.com or call 970-453-3182 with questions about business licensing (BOLT).

Sales and Accommodation Taxes – Breckenridge sales and accommodation taxes will be applicable to short-term rentals as well as other taxable sales in the area. Property

management companies will need to collect Town taxes on short-term condominium rentals. If you rent your unit short-term on your own (not using a rental management company), it will be your responsibility to collect and remit to the Town, sales and accommodations taxes. (The breakdown of sales and accommodation taxes are as follows: Summit County Sales Tax 2.875%; State of Colorado sales tax 2.9%; Breckenridge Sales Tax 2.5%; Breckenridge Accommodations Tax 3.4%; Total tax on accommodations is 11.675%). Please call Leslie Fisher at (970) 547-3193 for questions about sales and accommodation taxes. You can also find information on sales and accommodations taxes on our website: www.townofbreckenridge.com, select “Departments & Services”, “Clerk and Finance”, “Taxes”.

Real-Estate Transfer Tax – A 1% real estate transfer tax is applicable to real estate sales within the Town. This tax is typically paid by the buyer and is collected by title companies at the time of the closing. Properties under contract prior to the effective date of the annexation may apply for relief to the Finance Office of the Town. Please call 970-453-3193 with questions about the real estate transfer tax.

Property Tax – The Town has a mil levy, which will be included in the overall tax millage in the next full property tax assessment year.

Animal Licenses – The Town of Breckenridge issues dog licenses separately from Summit County. When your current Summit County dog license expires, you should license your pet with the Town of Breckenridge. Please call 970-453-3122 with questions about animal licenses.

Franchise and Sales Taxes on Utilities – Sales and franchise taxes applicable to the sales of utility services may appear as separate charge on utility bills.

Building Permits and Development Permits - These permits will now be issued by the Town of Breckenridge (rather than Summit County). For information on when a permit is required, please call (970) 453-3160 (Planning Department) or (970) 453-3180 (Building Department).

In addition to this information, please visit the Town of Breckenridge website for information about upcoming public meetings, activities, application forms, and lots of other useful information: www.townofbreckenridge.com.