



**BRECKENRIDGE TOWN COUNCIL REGULAR MEETING**

Tuesday, August 23, 2016; 7:00 PM

Town Hall Auditorium

<b>I</b>	<b>CALL TO ORDER, ROLL CALL</b>	
<b>II</b>	<b>APPROVAL OF MINUTES - AUGUST 9, 2016</b>	<b>3</b>
<b>III</b>	<b>APPROVAL OF AGENDA</b>	
<b>IV</b>	<b>COMMUNICATIONS TO COUNCIL</b>	
	A. CITIZEN'S COMMENT - (NON-AGENDA ITEMS ONLY: 3-MINUTE LIMIT PLEASE)	
<b>V</b>	<b>CONTINUED BUSINESS</b>	
	A. SECOND READING OF COUNCIL BILLS, SERIES 2016 - PUBLIC HEARINGS	
	1. COUNCIL BILL NO. 23, SERIES 2016 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", AND CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS"	<b>8</b>
	2. COUNCIL BILL NO. 24, SERIES 2016 - AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE GUIDELINES CONCERNING LAND USE DISTRICT 1	<b>17</b>
<b>VI</b>	<b>NEW BUSINESS</b>	
	A. FIRST READING OF COUNCIL BILLS, SERIES 2016 - PUBLIC HEARINGS	
	1. COUNCIL BILL NO. 25, SERIES 2016 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO TITLE 6 OF THE BRECKENRIDGE TOWN CODE CONCERNING POLICE REGULATIONS	<b>21</b>
	2. COUNCIL BILL NO. 26, SERIES 2016 - AN ORDINANCE ADOPTING CHAPTER 13 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING RECREATIONAL WATER USE	<b>28</b>
	B. RESOLUTIONS, SERIES 2016	
	1. RESOLUTION NO. 9, SERIES 2016 - A RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DENSITY TRANSFER COVENANT FOR TOWN-OWNED REAL PROPERTY	<b>31</b>
	2. RESOLUTION NO. 10, SERIES 2016 - A RESOLUTION APPROVING A "X10U8 CHUTE LICENSE AGREEMENT" WITH THE BRECKENRIDGE HERITAGE ALLIANCE	<b>39</b>
	C. OTHER	
<b>VII</b>	<b>PLANNING MATTERS</b>	
	A. PLANNING COMMISSION DECISIONS	<b>48</b>
<b>VIII</b>	<b>REPORT OF TOWN MANAGER AND STAFF</b>	
<b>IX</b>	<b>REPORT OF MAYOR AND COUNCILMEMBERS</b>	
	A. CAST/MMC (MAYOR MAMULA)	
	B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MS. WOLFE)	
	C. BRECKENRIDGE TOURISM OFFICE (MS. GIGLIELLO)	
	D. BRECKENRIDGE HERITAGE ALLIANCE (MR. BURKE)	
	E. WATER TASK FORCE (MR. DUDICK)	
	F. BRECKENRIDGE CREATIVE ARTS (MS. LAWRENCE)	

\*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:00 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

G. BRECKENRIDGE EVENTS COMMITTEE (MR. BERGERON)

X OTHER MATTERS

XI SCHEDULED MEETINGS

56

XII ADJOURNMENT

\*Report of the Town Manager, Report of Mayor and Council Members; Scheduled Meetings and Other Matters are topics listed on the 7:00 pm Town Council Agenda. If time permits at the afternoon work session, the Mayor and Council may discuss these items. The Town Council may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.

**CALL TO ORDER, ROLL CALL**

Mayor Mamula called the meeting of August 9, 2016 to order at 7:00 pm. The following members answered roll call: Mr. Dudick, Mr. Bergeron, Ms. Lawrence, Mr. Burke, Ms. Wolfe, Ms. Gigliello and Mayor Mamula.

**APPROVAL OF MINUTES - JULY 26, 2016**

With no changes or corrections to the meeting minutes of July 26, 2016, Mayor Mamula declared they would stand approved as submitted.

**APPROVAL OF AGENDA**

Mr. Holman stated the only change to the agenda was to remove Council Bill No. 23, Series 2016, and to renumber the other Council Bills as a result of that change. Mayor Mamula declared the agenda approved as amended.

**COMMUNICATIONS TO COUNCIL**

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

Mayor Mamula opened Citizen's Comment.

Sheriff Jaime FitzSimons, Summit County Sheriff, stated he was present at the meeting to check in with the new Council and to introduce himself. He further stated he is looking forward to working closely with the Town in his position.

Mr. Ken Nelson, representing the Town Square Mall, stated there has been a significant impact on the Mall restrooms due to the new Prospector Park, and the association would like the Town to help to clean the bathrooms until the park bathrooms are built. He further stated the park is good, and the temporary restroom facilities help but most people avoid them. Mr. Nelson suggested daily "second cleans" may be needed in the Mall bathrooms. Mr. Burke asked about the use of the temporary restrooms at the park, and stated he is not wanting to set the precedence of the Town cleaning private restrooms. Mr. Nelson stated the Association asked him to come before Council to make them aware of the situation. Mayor Mamula stated staff will look into the issue and give Council feedback. Mr. Bergeron stated perhaps we created an "attractive nuisance" in that location, and other Council members expressed concern about the situation. Mr. Tom Daugherty, Public Works Director, stated the park isn't shoveled in the winter, and the design plans haven't been finalized to put out an RFP for the new bathrooms, so he anticipates they will be built next spring.

Mr. Derek Woodman, Summit County resident, stated he was present to introduce himself as a candidate for Summit County Sheriff in November, and was happy to meet the Council members.

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

B. Breckenridge Tourism Office Update

Ms. Lucy Kay, Director of the BTO, stated the Spartan Race will take place August 27-28, and they are expecting 4400 people for Saturday, and 3200 people for Sunday. She stated the event organizers are working on a parking plan for cars, and possible television coverage of Spartan Games. She further stated lodging bookings for August are down compared to last year, and September 9-11 will be Oktoberfest. Also, Camp 9600 will feature a Virtual Reality Dome in Blue River Plaza in conjunction with Breckenridge Film Festival, and the Governor's Conference will take place in Breckenridge in September. Ms. Kay stated that as part of the Film, Food and Wine Weekend (Breckenridge Film Festival and Wine Classic), the Wine Classic will be partnering with restaurants. Ms. Kay stated that the summer international marketing strategy includes major placements in the London Daily Mail, and the Market Standard, and Ms. Leigh Girvin wrote a story about marijuana for the Breckenridge Tourism Office. She further stated changes at the BTO include a shift in business services and community affairs, and they will be hiring for that position.

C. Breckenridge Ski Resort Update

Mr. John Buhler, COO of Breckenridge Ski Resort, stated the Fun Park is open 9:30am-5:30pm through Labor Day, and will close on September 18. Mr. Buhler thanked Scott Reid and staff for work on Peaks Trail, and stated volunteers will be working on the trail for Epic Promise Day. He also stated that Vail Resorts has announced that they are working on purchasing Whistler, which will result in a significant international influence. Mr. Buhler stated the Epic Promise Foundation hosted a meeting with non-profits to find out what the bigger issues in the community are with kids. Mr. Burke asked if someone from the Community Care Clinic was there, and Mr. Buhler stated he didn't know. Mr. Buhler stated the copters are for the canopy tour construction, and they are also erecting a climbing wall, an overlook tower, and a zip line.

**CONTINUED BUSINESS**

A. Second Reading of Council Bills, Series 2016 - Public Hearings

1. COUNCIL BILL NO. 19, SERIES 2016 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING A NEW POLICY 50 (ABSOLUTE) ENTITLED "WIRELESS COMMUNICATIONS FACILITIES", AND MAKING MISCELLANEOUS CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE

Mayor Mamula read the title into the minutes. Mr. Tim Berry stated this ordinance deals with wireless communications, and changes to the ordinance include building height and a modification of permits to delete the requirement of addressing a gap in service, as well as the addition of a small cell service definition. Mr. Berry stated the changes were discussed during the afternoon work session.

Mayor Mamula opened the public hearing. Ms. Victoria Schinal, an attorney representing AT&T, thanked everyone for their efforts on this ordinance, and on behalf of AT&T and other wireless carriers. There were no additional comments and the hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 19, SERIES 2016 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY ADOPTING A NEW POLICY 50 (ABSOLUTE) ENTITLED "WIRELESS COMMUNICATIONS FACILITIES", AND MAKING MISCELLANEOUS CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE. Ms. Gigliello seconded the motion.

The motion passed 7 - 0.

2. COUNCIL BILL NO. 20, SERIES 2016 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Klack Placer Cabin)

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

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 20, SERIES 2016 - AN ORDINANCE DESIGNATING CERTAIN REAL PROPERTY AS A LANDMARK UNDER CHAPTER 11 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE (Klack Placer Cabin). Mr. Burke seconded the motion.

The motion passed 7 - 0.

3. COUNCIL BILL NO. 21, SERIES 2016 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CLAIMJUMPER CONDOMINIUM ASSOCIATION, INC.

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

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

Ms. Lawrence moved to approve COUNCIL BILL NO. 21, SERIES 2016 - AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CLAIMJUMPER CONDOMINIUM ASSOCIATION, INC. Mr. Dudick seconded the motion.

The motion passed 7 - 0.

4. COUNCIL BILL NO. 22, SERIES 2016 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE 2013 MARIJUANA LICENSING ORDINANCE"

Mayor Mamula read the title into the minutes. Mr. Berry stated there were one change from the first reading on line 36 substituting the word "any" for "an" in reference to the requirement for a conditional permit by the state.

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

Mr. Bergeron moved to approve COUNCIL BILL NO. 22, SERIES 2016 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 14 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "TOWN OF BRECKENRIDGE 2013 MARIJUANA LICENSING ORDINANCE". Ms. Wolfe seconded the motion.

The motion passed 7 - 0.

**NEW BUSINESS**

- A. First Reading of Council Bills, Series 2016 - Public Hearings
  - 1. COUNCIL BILL NO. 23, SERIES 2016 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", AND CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS"  
Mayor Mamula read the title into the minutes. Mr. Berry stated this ordinance makes changes to the development code subdivision standards, including a modification of the permit approval process related to point analysis that would allow a project to be approved in one motion. In addition, he stated, this ordinance addresses miscellaneous concerns and staff recommends approval.  
Ms. Gigliello moved to approve COUNCIL BILL NO. 24, SERIES 2016 - AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", AND CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SUBDIVISION STANDARDS". Mr. Burke seconded the motion.  
The motion passed 7 - 0.
  - 3. COUNCIL BILL NO. 24, SERIES 2016 - AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE GUIDELINES CONCERNING LAND USE DISTRICT 1  
Mayor Mamula read the title into the minutes. Mr. Berry stated the Town Land Use Guidelines and the Development Code make up the Town's regulatory systems, and this ordinance would sync up the Land Use Guideline for Land Use District 1 with the Development Code to prevent the transfer of density.  
Mr. Bergeron moved to approve COUNCIL BILL NO. 25, SERIES 2016 - AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE GUIDELINES CONCERNING LAND USE DISTRICT 1. Ms. Lawrence seconded the motion.  
The motion passed 7 - 0.
- B. Resolutions, Series 2016
- C. Other

**PLANNING MATTERS**

- A. Planning Commission Decisions
  - With no request to call an item off the consent calendar, Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.  
  
Ms. Lawrence left the meeting at 8:00pm.
- B. Horse and Carriage Street Use Permit
  - Mayor Mamula introduced the Horse and Carriage Street Use Permit Hearing, and explained that a new applicant seeks a permit for this use. Mayor Mamula read the hearing process into record, and stated the applicant is represented by Mr. John Maxwell. Ms. Julia Puester stated the applicant has applied for a new street use permit to replace Mr. Brad Bays, who has held permits dating back to 1988, and who currently holds a valid permit until October, 2016. She further stated this application remains unchanged from the October 2015 application, and a route map is included in packet. Ms. Puester also stated the Police Department reported some complaints about traffic in the past, and 3 calls for service during the past year. Also, Public Works expressed concerns about the new trolley service using the same route. However, Ms. Puester stated staff recommends approval of the permit.  
  
Ms. Wolfe and Mr. Burke asked about the impacts to transit. Mr. Tom Daugherty stated there may be a concern about tight space at the stops, but as long as the carriage is operated correctly, he has no other concerns. He added that only one bus would be at each stop at one time.  
  
Mr. Maxwell, representing High Country Carriage LLC (the applicant) stated he hopes to continue carriage rides in the Town. He further stated he spoke with Mr. James Phelps about cooperation with transit buses, and understands he may need to do some maintenance of the stops. He stated he is the owner/operator with his wife and possibly one additional employee, he has general horse experience, and has lived in the community for awhile. He also stated he is aware of the rules to operate the carriage. Mayor Mamula asked about the travel on Wellington Road and how to deal with traffic. Mr. Bergeron asked about the

difficulty of driving the carriage. Mr. Brad Bays, of Breckenridge Stables, stated driving carriages is not too difficult as long as you have trained horses, and these horses are trained by voice command and with the lines. He also stated the new owner will own the horses. Mr. Bays stated that with the Wellington Road traffic, they do their best to pull off and let the cars pass, and he will show and explain to Mr. Maxwell about it. Ms. Gigliello asked about the current hours of operation by the Post Office. Mr. Bays explained they don't go by the Post Office. Mayor Mamula suggested adding a condition to not go in front of the Post Office.

Mayor Mamula closed the public hearing.

Mr. Bergeron stated this is a nice amenity for the town, but the downside is the backup of traffic. He stated he will vote to approve the application, but the operator must be aware of congestion.

Ms. Gigliello stated she struggles with this, considering our traffic flow concerns, but she also knows it's very popular, and maybe it will add pacing to the busy streets.

Ms. Wolfe stated it helps create the atmosphere in Breckenridge, and she would like to see it work. She added that it's a big responsibility to operate this business.

Mr. Burke stated one goal on Main Street has been to slow traffic, and the carriage has been here for 27 years. He added that he doesn't want to lose the character of Breckenridge by getting rid of it.

Mr. Dudick stated the carriage adds ambience, but also adds to congestion, and this attraction is intended for the community.

Mayor Mamula stated his concerns are on Wellington Road, and the operator must be aware of traffic concerns.

Mr. Bergeron moved to approve the Horse and Carriage Street Use Permit. Ms. Gigliello seconded the motion.

The motion passed 6-0. Ms. Lawrence was absent.

#### **REPORT OF TOWN MANAGER AND STAFF**

Mr. Holman stated CML is trying to identify people who will serve on Policy Committee for municipalities. He further stated that in the past Tim Gagen served on this committee, and Ms. Lawrence was an alternate. Council agreed to appoint Mr. Holman to this committee.

Mr. Holman stated David O'Neil would like to do a tour of the units at Lincoln Park before the next meeting. Mr. Holman also stated he is reluctant to help with the restroom problem in Town Square Mall.

#### **REPORT OF MAYOR AND COUNCILMEMBERS**

A. Cast/MMC (Mayor Mamula)

Mayor Mamula stated Ms. Wolfe attended on his behalf. Mr. Holman stated he challenged other communities for a donation to the Community Care Clinic, but has so far not received much response. Ms. Wolfe asked about the flow control problem at the landfill and how local trash haulers are bringing their trash out of county. She stated their revenue model is based on trash in the landfill, and they have had to adjust downward due to less trash. She further stated Timberline Disposal is bringing their trash to Silver Plume. Mr. Burke stated it was a major issue before the last ballot issue was passed, and the landfill needs to deal with this issue to address the "what-ifs" in the future. Ms. Wolfe stated if the County requires all trash to stay in Summit County, the haulers are going to oppose it. Mr. Burke stated again that he was a little frustrated that there hasn't been a creative solution. Mr. Holman stated he believes the County will ask the towns to support new legislation to require trash to stay in the County. Mr. Daugherty stated the tipping fees are higher in Summit County because of debt service for improvements to the landfill.

Mr. Dudick asked about the size of the word "Jerky" on the cart by Main Street. Staff will look into the size regulations.

Mr. Dudick left the meeting at 8:25pm.

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

Ms. Wolfe stated there was no update.

- C. Breckenridge Tourism Office (Ms. Gigliello)  
Ms. Gigliello stated the new Business Services representative at the BTO will be a good conduit between Council and the associations.
- D. Breckenridge Heritage Alliance (Mr. Burke)  
Mr. Burke stated there was no update.
- E. Water Task Force (Mr. Dudick)  
Mr. Dudick was not present for an update.
- F. Breckenridge Creative Arts (Ms. Lawrence)  
Ms. Lawrence was not present for an update.
- G. Breckenridge Events Committee (Mr. Bergeron)  
Mr. Bergeron stated the Dew Tour may be broadcast on Universal Sports, and is asking for 600 room nights. He also stated there have been more special event liquor licenses to date than last year, and the committee is looking to be more selective with events on the Riverwalk Lawn and in Blue River Plaza. He further stated that the committee hasn't said no to Beer Fest, but has asked them to look to be on private property.

**OTHER MATTERS**

Mr. Bergeron stated the Town and County own the parking lot on Hoosier Pass, and the Town is looking to put a restroom up there. Mr. Scott Reid, Open Space Director, stated the County would not like to support it, and would like for us to partner with CDOT or USFS. Mr. Bergeron stated it's a well-used route and it's a real need in that location.

Mr. Holman asked about making a donation from the Town to a scholarship fund for Mr. Gary Martinez's grandson's passing. Council agreed to make the donation in the Town's name.

**SCHEDULED MEETINGS**

**ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 8:34 pm. Submitted by Helen Cospolich, Municipal Services Manager.

ATTEST:

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

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

**MEMO**

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 23 (Point Analysis Ordinance)

DATE: August 16, 2016 (for August 23<sup>rd</sup> meeting)

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The second reading of the ordinance amending the process for the Planning Commission to consider the point analysis for a development permit application, and making other miscellaneous amendments to the Development Code, is scheduled for your meeting on August 23<sup>rd</sup>. There are no changes proposed to ordinance from first reading.

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



1 **FOR WORKSESSION/SECOND READING – AUG. 23**

2  
3 **NO CHANGE FROM FIRST READING**

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

7  
8 COUNCIL BILL NO. 23

9  
10 Series 2016

11  
12 AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO CHAPTER 1 OF  
13 TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE “BRECKENRIDGE  
14 DEVELOPMENT CODE,” AND CHAPTER 2 OF TITLE 9 OF THE BRECKENRIDGE  
15 TOWN CODE, KNOWN AS THE “BRECKENRIDGE SUBDIVISION STANDARDS”

16  
17 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
18 COLORADO:

19  
20 Section 1. Section 9-1-18-1(E)(5) of the Breckenridge Town Code is amended to read as  
21 follows:

22  
23 5. Decision: The planning commission shall have thirty (30) working days after the  
24 conclusion of the public hearing to make a decision.

25 ~~If the proposed development implements or has no effect on all relevant absolute~~  
26 ~~policies and is allocated zero or net positive number of points for the relative policies,~~  
27 ~~the planning commission shall approve the proposed development. In addition, the~~  
28 ~~planning commission may attach conditions which are reasonable, necessary or~~  
29 ~~desirable.~~

30  
31 ~~If the proposed development does not implement all affected absolute policies~~  
32 ~~(subject to variance), or if it is allocated a net negative number of points for the~~  
33 ~~relative policies, or if the applicant will not agree to comply with all conditions, the~~  
34 ~~planning commission shall deny the permit.~~

35  
36 **At the final hearing the planning commission shall review and consider the point**  
37 **analysis for the development proposal prepared by the director pursuant to**  
38 **Section 9-1-17-3.**

39  
40 **If the planning commission agrees with the point analysis prepared by the**  
41 **director the planning commission shall:**  
42

- 1 a. approve the development proposal if the point analysis indicates that the  
2 proposed development implements or has no effect on all relevant  
3 absolute policies and is allocated zero or net positive number of points for  
4 the relative policies; or
- 5 b. deny the development proposal if the point analysis indicates that the  
6 proposed development does not implement all relevant absolute policies  
7 (subject to variance), or if it is allocated a net negative number of points  
8 for the relative policies.

9 If the planning commission disagrees with the point analysis prepared by the  
10 director the point analysis may be changed by affirmative vote of the planning  
11 commission. Once the point analysis for the development proposal has been  
12 finalized the planning commission shall either approve or deny the proposal  
13 using the standards set forth above.

14 The planning commission's final decision on a development proposal may be  
15 made by a single motion which, if approved, has the effect of both approving the  
16 point analysis and either approving or denying the development proposal as  
17 described in the motion.

18 Any approval of a development proposal may include such conditions of  
19 approval as the planning commission shall approve pursuant to section  
20 9-1-17-7.

21 No decisions of the planning commission shall be in conflict with the provisions of  
22 this section. ~~If the planning commission cannot agree upon the point analysis, the~~  
23 ~~planning commission may vote on the point analysis prior to voting on the project.~~  
24 The planning commission may also continue the hearing for good cause, or to allow  
25 additional information and materials to be submitted that will allow for a  
26 comprehensive review. In the event a final hearing has been continued, the applicant  
27 shall submit all additional materials to the town in accordance with the submittal  
28 schedule established by the director.

29 Within the historic district, the town may make the following decisions in addition to  
30 the decisions allowed above:

- 31 a. The town may table the application for a period of up to one hundred twenty  
32 (120) days to allow for further study of the proposal by the applicant, town  
33 and ~~historic~~ **planning** commission.
- 34 b. The town may approve the application, but place a condition that the permit  
35 not be in effect until a future date not to exceed one hundred eighty (180) days  
36 from approval of the development permit.

- 1 c. The town may deny the application based upon a finding that approval of the  
2 development permit will have a significant, negative impact upon the historic  
3 character of the site, building or community as a whole.

4 Section 2. Section 9-1-18-2(E)(5) of the Breckenridge Town Code is amended to read as  
5 follows:

- 6  
7 5. Decision: The planning commission shall have thirty (30) working days after the  
8 conclusion of the public hearing to make a decision.

9 ~~If the proposed development implements or has no effect on all relevant absolute~~  
10 ~~policies and is allocated zero or net positive number of points for the relative policies,~~  
11 ~~the planning commission shall approve the proposed development. In addition, the~~  
12 ~~planning commission may attach conditions which are reasonable, necessary or~~  
13 ~~desirable.~~

14  
15 If the proposed development does not implement all affected absolute policies  
16 (subject to variance), or if it is allocated a net negative number of points for the  
17 relative policies, or if the applicant will not agree to comply with all conditions, the  
18 planning commission shall deny the permit.

19  
20 **At the final hearing the planning commission shall review and consider the point**  
21 **analysis for the development proposal prepared by the director pursuant to**  
22 **Section 9-1-17-3.**

23  
24 **If the planning commission agrees with the point analysis prepared by the**  
25 **director the planning commission shall:**

- 26  
27 a. **approve the development proposal if the point analysis indicates that the**  
28 **proposed development implements or has no effect on all relevant**  
29 **absolute policies and is allocated zero or net positive number of points for**  
30 **the relative policies; or**  
31  
32 b. **deny the development proposal if the point analysis indicates that the**  
33 **proposed development does not implement all relevant absolute policies**  
34 **(subject to variance), or if it is allocated a net negative number of points**  
**for the relative policies.**

35 **If the planning commission disagrees with the point analysis prepared by the**  
36 **director the point analysis may be changed by affirmative vote of the planning**  
37 **commission. Once the point analysis for the development proposal has been**  
38 **finalized the planning commission shall either approve or deny the proposal**  
39 **using the standards set forth above.**  
40

1 **The planning commission's final decision on a development proposal may be**  
2 **made by a single motion which, if approved, has the effect of both approving the**  
3 **point analysis and either approving or denying the development proposal as**  
4 **described in the motion.**

5  
6 **Any approval of a development proposal may include such conditions of**  
7 **approval as the planning commission shall approve pursuant to section**  
8 **9-1-17-7.**

9  
10 No decisions of the planning commission shall be in conflict with the provisions of  
11 this section. ~~If the planning commission cannot agree upon the point analysis, the~~  
12 ~~planning commission may vote on the point analysis prior to voting on the project.~~  
13 The planning commission may also continue the hearing for good cause, or to allow  
14 additional information and materials to be submitted that will allow for a  
15 comprehensive review. In the event a final hearing has been continued, the applicant  
16 shall submit all additional materials to the town in accordance with the submittal  
17 schedule established by the director.

18  
19 Within the historic district, the town may make the following decisions in addition to  
20 the decisions allowed above:

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- 22 a. The town may table the application for a period of up to one hundred twenty  
23 (120) days to allow for further study of the proposal by the applicant, town  
24 and ~~historic~~ **planning** commission.
  - 25 b. The town may approve the application, but place a condition that the permit  
26 not be in effect until a future date not to exceed one hundred eighty (180) days  
27 from approval of the development permit.
  - 28 c. The town may deny the application based upon a finding that approval of the  
29 development permit will have a significant, negative impact upon the historic  
30 character of the site, building or community as a whole.

31 Section 3. Section 9-1-18-3(C) of the Breckenridge Town Code is amended to read as  
32 follows:

- 33
- 34 C. Procedure: Once the application and accompanying material have been submitted, the  
35 director shall within five (5) days determine if the public interest would better be  
36 served by requiring conformance with the class B development process rather than  
37 class C. If the director determines that the application should be processed as a class  
38 B, the applicant shall then meet the requirements of the class B process. If not, the  
39 director shall process the application as follows:

- 1 1. Within twenty two (22) days of receipt of the complete submittal, the director shall  
2 review the proposal and grant or deny it as ~~he deems appropriate~~ using the standards  
3 set forth in subsection 2 of this section, with or without conditions.
- 4 2. In making the decision on the proposal the director shall:
- 5 a. approve the development proposal if the point analysis indicates that the  
6 proposed development implements or has no effect on all relevant  
7 absolute policies and is allocated zero or net positive number of points for  
8 the relative policies; or
- 9 b. deny the development proposal if the point analysis indicates that the  
10 proposed development does not implement all relevant absolute policies  
11 (subject to variance), or if it is allocated a net negative number of points  
12 for the relative policies.
- 13 3. The director shall forward his or her decision to the planning commission at ~~their~~ its  
14 next regularly scheduled meeting. At that meeting the planning commission may, by  
15 an affirmative vote of the members present, call up any decision of the director for  
16 ~~their~~ its own review. If called up, the planning commission shall review the  
17 application at the same meeting at which it was called up, unless the applicant  
18 consents to another hearing date. In lieu of calling up a director's decision the  
19 planning commission may, with the consent of the applicant, modify or eliminate any  
20 condition of approval imposed on the application by the director or add any condition  
21 of approval.
- 22 4. The director shall then forward the decision to the town council at ~~their~~ its next  
23 regularly scheduled meeting following the decision having been presented to the  
24 planning commission if the director's decision was not called up by the planning  
25 commission, or the planning commission's decision on the application if the  
26 director's decision was called up, whichever is applicable. At that meeting, the  
27 town council may, by an affirmative vote of the members present, call up any  
28 decision for ~~their~~ its own review. In lieu of calling up the director's decision or a the  
29 planning's commission decision the council may, with the consent of the applicant,  
30 modify or eliminate any condition of approval imposed on the application by the  
31 planning commission or add any condition of approval.
- 32 a. If called up, the town council shall review the application at ~~their~~ its next  
33 regularly scheduled meeting, unless the applicant consents to another  
34 hearing date. The town council after review ~~may~~ shall grant or deny the  
35 application as ~~they deem appropriate~~ using the standards set forth in  
36 subsection 2 of this section, with or without conditions.
- 37 b. If the decision forwarded to the town council is not called up or modified, it  
38 shall stand as presented.

- 1 5. Once the decision has been finalized, the director shall transmit the final decision to  
2 the applicant; and, if the application is approved, shall issue a development permit,  
3 with or without conditions.

4 Section 4. Section 9-1-18-5(A) of the Breckenridge Town Code is amended to read as  
5 follows:

6  
7 9-1-18-5: CALL UP PROCESS:

- 8  
9 A. Town Council Action: If a planning commission decision or affirmation by the  
10 planning commission of a staff decision on any class A, B or C application is then  
11 called up by the town council, the council shall then act on the application as follows:

12 1. Hearing, Notice And Decision:

- 13 a. Class C applications shall be heard at the council's next regularly scheduled  
14 meeting following the vote to call up the application, **unless the applicant**  
15 **consents to another hearing date**. No notice is required.
- 16 b. Class A and B applications shall be heard at a public hearing conducted at the  
17 council's next regularly scheduled meeting following the vote to call up the  
18 application, **unless the applicant consents to another hearing date**. Notice  
19 is required in the same manner as for final hearings held before the planning  
20 commission.
- 21 c. All hearings conducted under this section shall be conducted as de novo  
22 hearings.
- 23 d. The council shall have the right to approve an application as proposed,  
24 approve it with conditions, deny it or continue the hearing for good cause.
- 25 e. The council shall have forty five (45) days from the date of the call up to  
26 make a final decision on class C applications, and sixty (60) days from the  
27 date of the call up to make a final decision on class A or class B applications.
- 28 ~~f. If a member of the town council participated in the planning commission~~  
29 ~~decision, he or she shall abstain from the council's call up hearing and~~  
30 ~~decision~~
- 31 f. It is not a ground for disqualification that a town council member read or  
32 reviewed the minutes of the planning commission with respect to the  
33 application that is the subject of the call up hearing ~~if the council member~~  
34 ~~states on the record prior to the commencement of the call up hearing that he~~  
35 ~~or she will decide the call up based solely upon the evidence that is presented~~  
36 ~~at the call up hearing.~~

1           Section 5. Section 9-2-3-4 of the Breckenridge Town Code is amended to read as  
2 follows:

3  
4           9-2-3-4: CALL UP PROCESS:

5  
6           A. Town Council Action: If a planning commission decision is called up by the town  
7 council, the council shall act on the application as provided in subsection B of this  
8 section.

9           B. Hearing Notice And Decision:

10           1. All subdivision applications shall be heard within thirty (30) days of the vote to call  
11 up the application at a public hearing conducted by the council, **unless the applicant**  
12 **consents to another hearing date**. Notice of the public hearing shall be required in  
13 the same manner as for final hearings held before the planning commission for the  
14 class of subdivision proposed.

15           2. All hearings conducted under this section shall be conducted as de novo hearings.

16           3. The council shall have the right to approve an application as proposed, approve it  
17 with conditions, deny it or continue the hearing for good cause.

18           4. The council shall have sixty (60) days from the date of the call up to make a final  
19 decision on class A or class B subdivision applications.

20           5. ~~If a member of the town council participated in the planning commission decision, he~~  
21 ~~or she shall abstain from the council's call up hearing and decision.~~ **It is not a ground**  
22 **for disqualification that a town council member read or reviewed the minutes of**  
23 **the planning commission with respect to the application that is the subject of the**  
24 **call up hearing.**

25           Section 6. Except as specifically amended by this ordinance, the Breckenridge Town  
26 Code, and the various secondary codes adopted by reference therein, shall continue in full force  
27 and effect.

28  
29           Section 7. The Town Council finds, determines, and declares that it has the power to  
30 adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,  
31 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal  
32 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)  
33 Section 31-15-401, C.R.S. (concerning municipal police powers); (v) the authority granted to  
34 home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers  
35 contained in the Breckenridge Town Charter.

36  
37           Section 8. The Town Council finds, determines, and declares that it has the power to  
38 adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX

1 of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

2  
3 Section 9. This ordinance shall be published and become effective as provided by Section  
4 5.9 of the Breckenridge Town Charter.

5  
6 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
7 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2016. A Public Hearing shall be held at the  
8 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
9 \_\_\_\_\_, 2016, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
10 Town.

11  
12 TOWN OF BRECKENRIDGE, a Colorado  
13 municipal corporation

14  
15  
16  
17 By: \_\_\_\_\_  
18 Eric S. Mamula, Mayor

19  
20 ATTEST:

21  
22  
23  
24 \_\_\_\_\_  
25 Helen Cospolich  
26 Town Clerk



**MEMO**

TO: Town Council

FROM: Town Attorney

RE: Council Bill No. 24 (Land Use District 1 Ordinance)

DATE: August 16, 2016 (for August 23<sup>rd</sup> meeting)

---

The second reading of the ordinance amending the Land Use District 1 regulations is scheduled for your meeting on August 23<sup>rd</sup>.

Staff requests that second reading of this ordinance be continued to your September 13<sup>th</sup> meeting so that a required special public hearing notice can be published in the newspaper.

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

1 **FOR WORKSESSION/SECOND READING – SEPT. 13**

2  
3 Additions To The Current Land Use District 1 Guidelines Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~  
5

6 **NO CHANGE FROM FIRST READING**

7  
8 COUNCIL BILL NO. 24

9  
10 Series 2016

11  
12 AN ORDINANCE AMENDING THE TOWN OF BRECKENRIDGE LAND USE  
13 GUIDELINES CONCERNING LAND USE DISTRICT 1

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

17  
18 Section 1. Findings. The Town Council of the Town of Breckenridge, Colorado hereby  
19 finds and determines as follows:

20  
21 1. By Ordinance No. 3, Series 1987, the Town adopted the Breckenridge Land Use  
22 Guidelines (“Land Use Guidelines”).

23  
24 2. The Land Use Guidelines contain provisions governing the development of real  
25 property located within the various Land Use Districts of the Town, including, but not limited to,  
26 Land Use District 1, and represent a part of the Town’s general zoning restrictions with respect  
27 to real property located within the Town.

28  
29 3. By Ordinance No. 18, Series 1997, the Town Council adopted certain procedures  
30 to be followed to amend the Land Use Guidelines. Such procedures have been codified as  
31 Section 9-1-15-1 of the Breckenridge Town Code.

32  
33 4. The amendment to the Land Use Guidelines made by this ordinance is legislative  
34 or quasi-legislative in nature.

35  
36 5. The procedural requirements of Section 9-1-15-1 of the Breckenridge Town Code  
37 with respect to a proposed legislative or quasi-legislative amendment to the Land Use Guidelines  
38 have been fully satisfied. Without limiting the generality of the foregoing, the Town Council  
39 finds that notice of the public hearing to consider the adoption of this ordinance was published  
40 twice in The Summit County Journal, a newspaper of general circulation in the Town, the first  
41 publication occurring at least twelve (12) days prior to the hearing and the second occurring at  
42 least four (4) days prior to the hearing, all as required by Section 9-1-15-1(B) of the  
43 Breckenridge Town Code. The Proof of Publication of such notice is made a part of the record in  
44 connection with the adoption of this ordinance.

1  
2  
3  
4  
5

6. The amendments to the Land Use Guidelines made by this ordinance are consistent with the Town’s Master Plan, and all parts thereof, and bear a reasonable relationship to the welfare of the community.

Section 2. Amendment To District 1 Guidelines. The paragraph of the Town of Breckenridge Land Use Guidelines applicable to Land Use District 1, entitled “Acceptable Land Uses and Intensities,” is amended to read in its entirety as follows:

**Acceptable Land Uses and Intensities**  
Land Use Type: Low Density Residential. Recreational  
Intensity of Use: 1 Unit per 10 Acres; except land located in the East Side Residential Transition Area may be built to a recommended aboveground density of 13.5 Units per Acre.  
Structural Type: Special Review.

The majority of District 1 should remain in its natural state. Accordingly, all proposals for development within this district will be carefully reviewed. Whenever possible, development rights within District 1 should be transferred to more suitable locations.

~~However, District 1 has been identified as a possible receiving site for the transfer of development rights pursuant to Resolution No. 33, Series 2000 (Resolution) and the Intergovernmental Agreement between County of Summit and the Town of Breckenridge Concerning Transferred Development Rights effective August 14, 2000 (IGA). This identification was made to provide for the possibility of transfers of development rights to limited areas of District 1 which the Town may find to be suitable for development.~~

**In no case may a density transfer be allowed into District 1.**

Section 3. Continued Effect of Land Use Guidelines. Except as specifically amended hereby, the Breckenridge Land Use Guidelines, as adopted by Ordinance No. 3, Series 1987, as previously amended, shall continue in full force and effect.

1 Section 4. Police Power Finding. The Town Council hereby finds, determines and  
2 declares that this ordinance is necessary and proper to provide for the safety, preserve the health,  
3 promote the prosperity, and improve the order, comfort and convenience of the Town of  
4 Breckenridge and the inhabitants thereof.  
5

6 Section 1. Section 5. Authority. The Town Council finds, determines, and declares that  
7 it has the power to adopt this ordinance pursuant to: (i) the Local Government Land Use Control  
8 Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S.  
9 (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal  
10 police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); (v) the

1 authority granted to home rule municipalities by Article XX of the Colorado Constitution; and  
2 (vi) the powers contained in the Breckenridge Town Charter.

3  
4 Section 6. Effective Date. This ordinance shall be published and become effective as  
5 provided by Section 5.9 of the Breckenridge Town Charter.

6  
7 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
8 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2016. A Public Hearing shall be held at the  
9 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
10 \_\_\_\_\_, 2016, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the  
11 Town.

12  
13 TOWN OF BRECKENRIDGE, a Colorado  
14 municipal corporation

15  
16  
17  
18 By: \_\_\_\_\_  
19 Eric S. Mamula, Mayor

20  
21 ATTEST:

22  
23  
24  
25 \_\_\_\_\_  
26 Helen Cospolich  
27 Town Clerk

## MEMORANDUM

**To:** Mayor and Town Council  
**From:** Dennis McLaughlin, Chief of Police  
**Date:** August 12, 2016  
**Subject:** Miscellaneous Amendments Concerning Police Regulations

---

Staff is recommending miscellaneous amendments to the Town Code concerning police regulations. These recommended amendments will make the Town's Ordinances current with State Statute and recent constitutional challenges. There are three ordinances impacted by these recommended amendments.

The first recommendation is to amend ordinance 6-3C-2: Loitering. If adopted, the proposed ordinance will repeal certain verbiage used in the current ordinance and amend it to make it unlawful for a person to disrupt a school program, interfere with or endanger schoolchildren, to loiter in a school building or on school grounds without a legitimate reason for being there.

The second recommendation is to amend ordinance 6-3C-16: Obstruction of Highway, Sidewalk, or Other Passageway. If adopted, the proposed ordinance will make it unlawful for a person to intentionally, knowingly, or recklessly obstruct a highway, street, sidewalk, building entrance or other defined areas to which the public has access. Additionally the ordinance will make it unlawful to disobey a reasonable request to move issued by a police officer, firefighter or other person with authority to control use of the premises.

The third recommendation is to amend ordinance 6-3D-6: Disrupting Lawful Assembly. If adopted, the proposed ordinance will repeal certain verbiage used in the current ordinance and amend it to make it unlawful for any person to prevent or disrupt a lawful meeting, assembly or to obstruct or interfere with the gathering by physical action or verbal utterance or other means.

Tim Berry and I will be present at the work session on Tuesday, August 23rd to answer questions.

1 **FOR WORKSESSION/FIRST READING – AUG. 23**

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

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

7  
8 Series 2016

9  
10 AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO TITLE 6 OF THE  
11 BRECKENRIDGE TOWN CODE CONCERNING POLICE REGULATIONS

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

15  
16 Section 1. Section 6-3C-2 of the Breckenridge Town Code is amended to read as  
17 follows:

18  
19 **6-3C-2: LOITERING:**

20  
21 **A. It is unlawful for any person, with the intent to interfere with or disrupt a**  
22 **school program or with intent to interfere with or endanger schoolchildren,**  
23 **to loiter in a school building or on school grounds or within one hundred feet**  
24 **of school grounds when persons under the age of eighteen are present in the**  
25 **building or on the grounds, if such person does not have any reason or**  
26 **relationship involving custody of, or responsibility for, a pupil or any other**  
27 **specific, legitimate reason for being there, and such person has been asked to**  
28 **leave by a school administrator or his or her representative or by a peace**  
29 **officer.**

30  
31 **B. It shall be an affirmative defense that the defendant's acts were lawful**  
32 **and he or she was exercising his or her rights of lawful assembly as a part of**  
33 **peaceful and orderly petition for the redress of grievances, either in the**  
34 **course of labor disputes or otherwise.**

35  
36 **C. The Town Council finds and declares that the Town has a special interest**  
37 **in the protection of children and, particularly, in protecting children who**  
38 **attend schools because required to do so by state law, and the prohibition of**  
39 **loitering in this section is enacted in furtherance of this interest.**

40  
41 Section 2. Article C of Chapter 3 of Title 6 of the Breckenridge Town Code is amended  
42 by the addition of a new Section 6-3C-16, which shall read as follows:

43  
44 **6-3C-16: OBSTRUCTION OF HIGHWAY, SIDEWALK, OR OTHER**  
45 **PASSAGEWAY:**

1 **A. It is unlawful for any individual or corporation, without legal privilege, to**  
2 **intentionally, knowingly, or recklessly:**

3  
4 **(1) Obstruct a highway, street, sidewalk, railway, waterway, building**  
5 **entrance, elevator, aisle, stairway, or hallway to which the public or a**  
6 **substantial group of the public has access or any other place used for the**  
7 **passage of persons, vehicles, or conveyances, whether the obstruction arises**  
8 **from his or her acts alone or from his or her acts and the acts of others; or**  
9

10 **(2) Disobey a reasonable request or order to move issued by a person the**  
11 **individual or corporation knows to be a peace officer, a firefighter, or a**  
12 **person with authority to control the use of the premises, to prevent**  
13 **obstruction of a highway or passageway or to maintain public safety by**  
14 **dispersing those gathered in dangerous proximity to a fire, riot, or other**  
15 **hazard.**  
16

17 **B. For purposes of this section, “obstruct” means to render impassable or to**  
18 **render passage unreasonably inconvenient or hazardous.**

19  
20 Section 3. Section 6-3D-6 of the Breckenridge Town Code is amended to read as follows:

21  
22 **6-3D-6: DISRUPTING LAWFUL ASSEMBLY:**  
23

24 **It is unlawful for any person, intending to prevent or disrupt any lawful**  
25 **meeting, procession, or gathering, to significantly obstruct or interfere with**  
26 **the meeting, procession, or gathering by physical action, verbal utterance, or**  
27 **any other means.**  
28

29 Section 4. Section 10-1-14(A) of the Breckenridge Town Code is amended to read as  
30 follows:

31  
32 A. No person shall ~~obstruct or~~ place an encroachment upon any town public way  
33 or other public place except as authorized by town council or town ordinance.  
34

35 Section 5. Except as specifically amended by this ordinance, the  
36 BreckenridgeTownCode, and the various secondary codes adopted by reference therein, shall  
37 continue in full force and effect.  
38

39 Section 6. The Town Council finds, determines, and declares that this ordinance is  
40 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and  
41 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants  
42 thereof.  
43

44 Section 7. The Town Council finds, determines, and declares that it has the power to  
45 adopt this ordinance pursuant to: (i) Section 31-15-103, C.R.S. (concerning municipal police  
46 powers); (ii) Section 31-15-401, C.R.S. (concerning municipal police powers); (iii) the authority

1 granted to home rule municipalities by Article XX of the Colorado Constitution; and (iv) the  
2 powers contained in the Breckenridge Town Charter.

3  
4 Section 8. This ordinance shall be published and become effective as provided by Section  
5 5.9 of the Breckenridge Town Charter.

6  
7 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
8 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2016. A Public Hearing shall be held at the  
9 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
10 \_\_\_\_\_, 2016, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
11 Town.

12  
13 TOWN OF BRECKENRIDGE, a Colorado  
14 municipal corporation

15  
16  
17  
18 By: \_\_\_\_\_  
19 Eric S. Mamula, Mayor

20  
21 ATTEST:

22  
23  
24  
25 \_\_\_\_\_  
26 Helen Cospolich  
27 Town Clerk



1 **TEXT OF CURRENT TOWN CODE SECTIONS REPEALED BY THIS ORDINANCE**

2  
3 **~~6-3C-2: LOITERING:~~**

4 ~~A. Acts Prohibited:~~

5 ~~1. It shall be unlawful for any person to loiter with the intent to violate any provision of this~~  
6 ~~chapter, or any criminal provisions of Colorado law. (Ord. 13, Series 1981)~~

7 ~~2. It shall be unlawful for any person, with intent to interfere with or disrupt a school program, or~~  
8 ~~with intent to interfere with or endanger schoolchildren, to loiter in a school building, on school~~  
9 ~~grounds or within one hundred feet (100') of school grounds, when one or more persons under~~  
10 ~~the age of eighteen (18) years are present in the building or on the grounds, if such person does~~  
11 ~~not have any reason or relationship involving the custody of, or responsibility for, a pupil or any~~  
12 ~~specific, legitimate reason for being there, and such person has been asked to leave by a school~~  
13 ~~administrator, such administrator's representative or by a peace officer. It shall be an affirmative~~  
14 ~~defense to prosecution under this subsection that the defendant's acts were lawful and that the~~  
15 ~~defendant was exercising his or her rights of lawful assembly as part of a peaceful and orderly~~  
16 ~~petition for the redress of grievances, either in the course of labor disputes or otherwise. (Ord.~~  
17 ~~11, Series 1995)~~

18 ~~B. Reasonable Grounds, Duty Of Officer:~~

19 ~~1. Among the circumstances which may be considered in determining whether reasonable grounds~~  
20 ~~for belief have arisen that such person is loitering is the fact that such person: (Ord. 13, Series~~  
21 ~~1981)~~

22 ~~a. Takes flight upon appearance of peace officers; or (Ord. 10, Series 1984)~~

23 ~~b. Refuses to identify himself; or~~

24 ~~c. Manifestly endeavors to conceal himself or any object; or~~

25 ~~d. Not being a duly licensed peace officer, systematically checks the means to access to buildings~~  
26 ~~or vehicles; or (Ord. 13, Series 1981; amd. Ord. 22, Series 1991)~~

27 ~~e. Maintains a continuous presence in close proximity to a place where a reasonable officer would~~  
28 ~~conclude that the activity manifests a high probability of activity in violation of this chapter, or~~  
29 ~~any criminal provision of Colorado law.~~

30 ~~2. Unless flight by the person or other circumstances make it impractical, a peace officer shall,~~  
31 ~~prior to any arrest for an offense under this section, afford the person an opportunity to dispel~~  
32 ~~any alarm otherwise warranted, or explain any circumstances giving rise to reasonable grounds~~  
33 ~~for belief that such person is loitering by requesting that he:~~

34 ~~a. Identify himself; and~~

1 b. Explain his presence and conduct.

2 C. Standard For Conviction: No person shall be convicted of an offense under subsection A1 of  
3 this section if the peace officer did not comply with subsections B2a and B2b of this section,  
4 or if at trial, the explanation of presence and conduct given by the defendant was true and, if  
5 believed by the peace officer at the time, would have dispelled the reasonableness of the  
6 officer's belief that the defendant was engaging in unlawful activity or would have disclosed  
7 a lawful purpose. (Ord. 13, Series 1981)

8 .....  
9

10 **~~6-3D-6: DISTURBING LAWFUL ASSEMBLIES OR ACTIVITIES:~~**

11 A. ~~It shall be unlawful for any person, by conduct in, on or near the premises, property or~~  
12 ~~facilities of the town or any public place, institution, office or buildings, or any school,~~  
13 ~~congregation or assembly meeting for religious worship or any other lawful meeting or~~  
14 ~~assembly intentionally, knowingly or recklessly:~~

15 ~~1. Obstructing Public Ways:~~

16 a. ~~To obstruct a street, highway, sidewalk, railway, waterway, building entrance, elevator, aisle,~~  
17 ~~stairway or hallway to which the public or a substantial segment of the public has access; or any~~  
18 ~~other place used for the passage of persons, vehicles or conveyances, whether the obstruction~~  
19 ~~arises from that person's acts alone or from his acts and the acts of others; or~~

20 b. ~~To disobey a reasonable request or order to move issued by a person he knows to be a peace~~  
21 ~~officer, a firefighter or a person with authority to control the use of the premises, to prevent~~  
22 ~~obstruction of a highway, passageway or the premises or facilities, or to maintain public safety~~  
23 ~~by dispersing those gathered in dangerous proximity to a fire, riot or other hazard;~~

24 ~~2. Disrupting Meetings: Substantially to disrupt, obstruct or interfere with any lawful meeting,~~  
25 ~~procession or gathering in or on such premises by intentional physical action, verbal utterance or~~  
26 ~~any other means;~~

27 ~~3. Denial Of Lawful Actions: To deny any public servant, official, employee, invitee or student:~~

28 a. ~~Lawful freedom of movement on the premises; or~~

29 b. ~~Lawful use of the property, premises or facilities; or~~

30 c. ~~The right of lawful ingress and egress to such property;~~

31 ~~4. Impeding Activities: To impede any public servant, official, employee, invitee, or student in the~~  
32 ~~lawful performance of their duties, or activities through the use of restraint, coercion or~~  
33 ~~intimidation or when force and violence are present or threatened; or~~

1 ~~5. Failure To Depart: To refuse or fail to leave such premises, property or facilities upon being~~  
2 ~~reasonably requested to do so by a peace officer, chief administrative officer, or designee, dean~~  
3 ~~of an educational institution or other individual or public servant with authority to control the use~~  
4 ~~of the premises if such person is committing, threatens to commit, or incites others to commit,~~  
5 ~~any act which would obstruct, disrupt, restrict or impede the lawful missions, processes,~~  
6 ~~procedures or functions in or on such premises, property or facilities.~~

7 ~~B. Nothing in this section shall be construed to prevent lawful assembly and peaceful and orderly~~  
8 ~~petition for the redress of grievances. (Ord. 13, Series 1981)~~

9

10

## MEMORANDUM

**To:** Mayor and Town Council  
**From:** Dennis McLaughlin, Chief of Police  
**Date:** August 12, 2016  
**Subject:** Adoption of Blue River Emergency Closure Ordinance

---

Staff is recommending the adoption of an ordinance concerning recreational water use during periods of dangerously high water. The proposed ordinance will give the Breckenridge Chief of Police authorization to close the Blue River within Town limits when the water capacity constitutes or may constitute a hazard to human life or safety.

This recommendation is intended to provide a safe recreational experience for those utilizing the Blue River in Town limits and better protect public safety personnel who may be called to provide assistance or rescue.

Tim Berry and I will be present at the work session on Tuesday, August 23rd to answer questions.

1 ***FOR WORKSESSION/FIRST READING – AUG. 23***

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

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

7  
8 Series 2016

9  
10 AN ORDINANCE ADOPTING CHAPTER 13 OF TITLE 5 OF THE BRECKENRIDGE  
11 TOWN CODE CONCERNING RECREATIONAL WATER USE

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

15  
16 Section 1. Title 5 of the Breckenridge Town Code is amended by the addition of a new  
17 Chapter 13, entitled “Closure of Blue River,” which shall read in its entirety as follows:

18  
19 **CHAPTER 13**

20  
21 **CLOSURE OF BLUE RIVER**

22  
23 **SECTION:**

24  
25 **5-13-1: Police Chief Authorized to Close Blue River**

26 **5-13-2: Unlawful To Violate Order For Closure of Blue River**

27 **5-13-3: Penalty**

28  
29 **5-13-1: POLICE CHIEF AUTHORIZED TO CLOSE BLUE RIVER: The Police Chief is**  
30 **authorized to close the Blue River at any location within the Town when entering or being**  
31 **in or upon the Blue River at such location constitutes or may constitute a hazard to human**  
32 **life or safety.**

33  
34 **5-13-2: UNLAWFUL TO VIOLATE ORDER FOR CLOSURE OF BLUE RIVER: It shall**  
35 **be unlawful for any person to fail to obey an order of the Police Chief issued under section**  
36 **5-13-1.**

37  
38 **5-3-13: PENALTY: It is an infraction as defined in section 1-3-2 of this code for any**  
39 **person to violate section 5-13-2. Any person who violates section 5-13-2 shall be punished as**  
40 **provided in title 1, chapter 4 of this code.**

41  
42 Section 2. Except as specifically amended by this ordinance, the  
43 BreckenridgeTownCode, and the various secondary codes adopted by reference therein, shall  
44 continue in full force and effect.  
45





---

MEMORANDUM

TO: Town Council

FROM: Julia Puester, Senior Planner

SUBJECT: Resolution: Density Transfer to the Breckenridge Outdoor Education Center

DATE: August 17, 2016

---

The Town Council entered into a Development Agreement with the Breckenridge Outdoor Education Center (BOEC) in 2014 to allow for a number of Development Code point waivers, waiver of Plant Investment Fees (PIFs), extended vested property rights and town to town density transfers.

The density transfers included in the attached resolution are in conformance with the approved Development Agreement:

- *The Town shall authorize 3,000 square feet of unused density for the improvements to be constructed by the BOEC pursuant to the development permit. (Staff notes this density is being donated by a private entity).*
- *As and when needed, the Town agrees to transfer by appropriate density covenant up to 2.5 additional single family equivalents of density owned by the Town to provide the balance of the required density needed for the improvements.*

The BOEC development permit was approved May 2015 and the building permit for the project has been submitted. The BOEC plans to break ground on the project this fall.

Staff is recommending that density be transferred and extinguished from Tract A (part of Cucumber Gulch) and Tract D (Nordic Center parking lot), Christie Heights Subdivision, Filing 2.

**Recommended Motion**

*"I move to approve the attached Resolution 9, Series 2016, and density sunset covenant."*

Staff will be available at the meeting if there are any questions or concerns.

1 ***FOR WORKSESSION/ADOPTION – AUG. 23***

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

4  
5 SERIES 2016

6  
7 A RESOLUTION AUTHORIZING THE EXECUTION AND RECORDING OF A DENSITY  
8 TRANSFER COVENANT FOR TOWN-OWNED REAL PROPERTY  
9

10 WHEREAS, Section 9-1-17-12(A) of the Breckenridge Town Code allows the Town  
11 Council by resolution to authorize the transfer of density from real property owned by the Town;  
12 and

13  
14 WHEREAS, the Town owns the following described real property, which property is  
15 referred to in this resolution as “Tract D, Christie Heights”:

16  
17 TRACT D, CHRISTIE HEIGHTS SUBDIVISION FILING NO. 2,  
18 ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 31, 2001  
19 UNDER RECEPTION NO. 644114  
20

21 ; and

22  
23 WHEREAS, the Town also owns the following described real property, which property is  
24 referred to in this resolution as “Tract A, Christie Heights”:

25  
26 TRACT A, CHRISTIE HEIGHTS SUBDIVISION FILING NO. 2,  
27 ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 31, 2001  
28 UNDER RECEPTION NO. 644114  
29

30 ; and

31  
32 WHEREAS, the Town also owns the following described real property, which property  
33 consists of two parcels and is collectively referred to in this resolution as the “BOEC Parcel”:

34  
35 Parcel “A”

36  
37 TRACT B, REVETT’S LANDING SUBDIVISION, ACCORDING TO THE  
38 PLAT THEREOF RECORDED AUGUST 13, 2001 UNDER RECEPTION NO.  
39 659673 OF THE RECORDS OF THE CLERK AND RECORDER OF SUMMIT  
40 COUNTY, COLORADO  
41

42 Parcel “B”

43  
44 A PART OF THAT PARCEL OF LAND DESCRIBED BY DEED RECORDED  
45 MARCH 16, 1978 AT RECEPTION NUMBER 174333, SUMMIT COUNTY,  
46 COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



1  
2 COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL DESCRIBED  
3 AT RECEPTION NUMBER 174333;

4  
5 THENCE S 00°59'22" E, 52.39 FEET ALONG THE WESTERLY LINE OF SAID  
6 PARCEL DESCRIBED AT RECEPTION NUMBER 174333 TO THE POINT OF  
7 BEGINNING WHICH POINT IS ALSO THE NORTHEAST CORNER OF PARCEL  
8 B, REVETT'S LANDING SUBDIVISION ACCORDING TO THE PLAT THEREOF  
9 RECORDED AT RECEPTION NUMBER 659673, SUMMIT COUNTY,  
10 COLORADO;

11  
12 THENCE CONTINUING S 00°59'22" E, 290.48 FEET ALONG THE COMMON LINE  
13 BETWEEN PARCEL B, REVETT'S LANDING AND SAID PARCEL DESCRIBED  
14 AT RECEPTION NUMBER 174333;

15  
16 THENCE N 14°37'1" E, 123.33 FEET;

17  
18 THENCE N 08°00'28" E, 60.00 FEET;

19  
20 THENCE N 21°43'47" W, 120.22 FEET TO THE POINT OF BEGINNING.

21  
22 CONTAINING 6,610 square feet or 0.152 acre more or less

23  
24 ; and

25  
26 WHEREAS, the Town Council finds and determines that it is necessary and appropriate  
27 to authorize the transfer of 3.0 single family equivalents of density from Tract D, Christie  
28 Heights to the BOEC Parcel; and

29  
30 WHEREAS, the Town Council further finds and determines that it is necessary and  
31 appropriate to authorize the transfer of 2.5 single family equivalents of density from Tract A,  
32 Christie Heights to the BOEC Parcel; and

33  
34 WHEREAS, Section 9-1-17-12(A) of the Breckenridge Town Code requires a density  
35 transfer between in-Town parcels to be evidenced by a density transfer covenant as described in  
36 such section; and

37  
38 WHEREAS, a proposed "Density Transfer Covenant" meeting the requirements of  
39 Section 9-1-17-12(A) of the Breckenridge Town Code has been prepared by the Town Attorney,  
40 a copy of which is marked **Exhibit "A"**, attached hereto, and incorporated herein by reference;  
41 and

42  
43 WHEREAS, the Town Council has reviewed the proposed Density Transfer Covenant,  
44 and finds and determines that it should be approved.  
45

1 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF  
2 BRECKENRIDGE, COLORADO, as follows:

3  
4 Section 1. The Density Transfer Covenant that is attached as **Exhibit "A"** to this  
5 resolution is approved, and the Town Manager is authorized, empowered, and directed to sign  
6 such document for and on behalf of the Town. After it is signed, the Density Transfer Covenant  
7 shall be recorded in the real property records of the Clerk and Recorder of Summit County,  
8 Colorado in order to give record notice that the Town has transferred the density described above  
9 from Tract D, Christie Heights and Tract A, Christie Heights to the BOEC Parcel.

10  
11 Section 2. This resolution is effective upon adoption.

12  
13 RESOLUTION APPROVED AND ADOPTED this \_\_\_ day of \_\_\_, 2016.

14  
15 TOWN OF BRECKENRIDGE

16  
17  
18  
19 By: \_\_\_\_\_  
20 Eric S. Mamula, Mayor

21  
22 ATTEST:

23  
24  
25  
26 \_\_\_\_\_  
27 Helen Cospolich, Town Clerk

28  
29 APPROVED IN FORM

30  
31  
32  
33 \_\_\_\_\_  
34 Town Attorney Date

**EXHIBIT "A"**

DENSITY TRANSFER COVENANT

This Density Transfer Covenant ("**Covenant**") is dated \_\_\_\_\_, 2016, and is executed by the TOWN OF BRECKENRIDGE, a Colorado municipal corporation.

RECITALS

A. WHEREAS, the Town owns the following described real property, which property is referred to in this Covenant as "Tract D, Christie Heights":

TRACT D, CHRISTIE HEIGHTS SUBDIVISION FILING NO. 2,  
ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 31, 2001  
UNDER RECEPTION NO. 644114

; and

B. WHEREAS, the Town also owns the following described real property, which property is referred to in this Covenant as "Tract A, Christie Heights":

TRACT A, CHRISTIE HEIGHTS SUBDIVISION FILING NO. 2,  
ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 31, 2001  
UNDER RECEPTION NO. 644114

; and

C. WHEREAS, the Town also owns the following described real property, which property consists of two parcels and is collectively referred to in this Covenant as the "BOEC Parcel":

Parcel "A"

TRACT B, REVETT'S LANDING SUBDIVISION, ACCORDING TO THE  
PLAT THEREOF RECORDED AUGUST 13, 2001 UNDER RECEPTION NO.  
659673 OF THE RECORDS OF THE CLERK AND RECORDER OF SUMMIT  
COUNTY, COLORADO

Parcel "B"

A PART OF THAT PARCEL OF LAND DESCRIBED BY DEED RECORDED  
MARCH 16, 1978 AT RECEPTION NUMBER 174333, SUMMIT COUNTY,

DENSITY TRANSFER COVENANT

COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL DESCRIBED AT RECEPTION NUMBER 174333;

THENCE S 00°59'22" E, 52.39 FEET ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED AT RECEPTION NUMBER 174333 TO THE POINT OF BEGINNING WHICH POINT IS ALSO THE NORTHEAST CORNER OF PARCEL B, REVETT'S LANDING SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED AT RECEPTION NUMBER 659673, SUMMIT COUNTY, COLORADO;

THENCE CONTINUING S 00°59'22" E, 290.48 FEET ALONG THE COMMON LINE BETWEEN PARCEL B, REVETT'S LANDING AND SAID PARCEL DESCRIBED AT RECEPTION NUMBER 174333;

THENCE N 14°37'1" E, 123.33 FEET;

THENCE N 08°00'28" E, 60.00 FEET;

THENCE N 21°43'47" W, 120.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,610 square feet or 0.152 acre more or less

; and

D. WHEREAS, by Resolution No. 9, Series 2016, adopted August 23, 2016, the Town Council found and determined that it is necessary and appropriate for the Town to transfer 3.0 single family equivalents of density from Tract D, Christie Heights to the BOEC Parcel; and

E. WHEREAS, in such resolution the Town Council further found and determined that it is necessary and appropriate for the Town to transfer 2.5 single family equivalents of density from Tract A, Christie Heights to the BOEC Parcel; and

F. WHEREAS, this Covenant is executed pursuant to the authority granted in such resolution; and

G. WHEREAS, this Covenant is executed in compliance with the requirements of Section 9-1-17-12(A) of the Breckenridge Town Code to memorialize and confirm the transfer of the density from Tract D, Christie Heights and Tract A, Christie Heights to the BOEC Parcel.

NOW, THEREFORE, the Town states and agrees as follows:

#### DENSITY TRANSFER COVENANT

1. Density Transfer. 3.0 single family equivalents of density is transferred from Tract D, Christie Heights to the BOEC Parcel; and 2.5 single family equivalents of density is transferred from Tract A, Christie Heights to the BOEC Parcel
2. Amount of Density Remaining on Sending Parcels. After the density transfers evidenced by this Covenant, the amount of density remaining on Tract D, Christie Heights is zero (0) single family equivalents; and the amount of density remaining on Tract A, Christie Heights is 13 single family equivalents.
3. Amount of Density on the BOEC Parcel. After the density transfers evidenced by this Covenant, the amount of density on the BOEC Parcel is 11.09 single family equivalents.
4. Use of Transferred Density. The density that has been transferred to the BOEC Parcel as evidenced by this Covenant may be used only in accordance with a development permit issued pursuant to the Breckenridge Development Code, Chapter 1 of Title 9 of the Breckenridge Town Code.
5. Binding Effect. This Covenant shall run with the land, shall burden Tract D, Christie Heights, and Tract A, Christie Heights and shall benefit the BOEC Parcel. This Covenant shall be binding upon and inure to the benefit of the Town, and all persons who may hereafter acquire an interest in any of the real property that is subject to this Covenant as described above.
6. Covenant to be Recorded. This Covenant shall be recorded in the records of the Clerk and Recorder of Summit County, Colorado.

TOWN OF BRECKENRIDGE

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

ATTEST:

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

DENSITY TRANSFER COVENANT

Page 3





## MEMORANDUM

**To:** Mayor and Town Council  
**From:** Peter Grosshuesch, Director of Community Development  
**Date:** August 17, 2016 (for August 23<sup>rd</sup> work session)  
**Subject:** License Agreement with Summit County for the X10U8 Ore Chute

---

Attached is a resolution approving a license agreement for the Heritage Alliance's stabilization project for the X10U8 Ore Chute. Recall that the Town Council and the County reviewed and approved this project, and both parties agreed to jointly fund it earlier this year. The License agreement spells out the long term maintenance and liability obligations associated with that property. Staff will be available to answer any questions you may have at your meeting on the 23<sup>rd</sup>.





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Section 3. Minor changes to or amendments of the approved license agreement may be made by the Town Manager if the Town Attorney certifies in writing that the proposed changes or amendments do not substantially affect the consideration to be received or paid by the Town pursuant to the approved license agreement, or the essential elements of the approved license agreement.

Section 4. This resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED this \_\_\_ day of \_\_\_, 2016.

TOWN OF BRECKENRIDGE

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

ATTEST:

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

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney                      Date

## X10U8 ORE CHUTE LICENSE AGREEMENT

THIS X10U8 ORE CHUTE LICENSE AGREEMENT (“**Agreement**”) is dated \_\_\_\_\_, 2016 and is between the TOWN OF BRECKENRIDGE, a Colorado municipal corporation, and SUMMIT COUNTY GOVERNMENT (together, “**Licensor**”) and BRECKENRIDGE HERITAGE ALLIANCE, a Colorado non-profit corporation (“**Licensee**”). Licensor and Licensee are each a “**Party**”, and are collectively the “**Parties**.”

### Background

Licensor owns the X10U8 Ore Chute property (“**Licensor’s Property**”). Licensee will stabilize the ore chute on the Licensor’s Property in fall 2016, which includes reconstruction of the structure’s roof. Licensor has agreed to grant Licensee permission to complete the stabilization project subject to Summit County building codes and regulations, and the terms and conditions of this Agreement.

### Agreement

The Parties agree as follows:

1. **Grant Of License.** Licensor grants to the Licensee the personal privilege and permission to enter Licensor’s Property and complete routine maintenance on Licensor’s Property, subject to the terms and conditions described in this Agreement. Subject to the terms and conditions of this Agreement, Licensee agrees to provide all required routine maintenance on the Licensor’s Property during the term of this Agreement. Licensee will promptly clean up the Licensor’s Property after the performance of any maintenance performed by Licensee pursuant to this Agreement.
2. **Term.** This Agreement and the license granted to Licensee commences as of the date of this Agreement and continues from time to time until terminated in accordance with the terms of this Agreement.
3. **Consideration.** The consideration paid to Licensor by Licensee for the privilege granted by this Agreement is \$10.00, receipt and sufficiency of which is acknowledged by Licensor.
4. **Licensor’s Right to Review and Approve Maintenance.** Licensor and Licensee will jointly determine what routine maintenance of Licensor’s Property is required to be performed by Licensee pursuant to this Agreement. No maintenance may be commenced on Licensor’s Property by Licensee unless and until the work plan has been approved by Licensor.
5. **Cost of Maintenance; No Liens.** Licensee will pay all costs associated with routine maintenance on Licensor’s Property pursuant to this Agreement as funding permits. Licensee will not permit the creation of any type of lien upon the Licensor’s Property, including, but not limited to a mechanic’s or materialmen’s lien, resulting from the

X10U8 ORE CHUTE LICENSE AGREEMENT

Licensee's performance of maintenance on Licensor's Property pursuant to this Agreement. The indemnification provisions of this Agreement apply to any such lien. If any mechanic's or other lien, charge or order for the payment of money shall be filed against the Licensor's Property as a result of the Licensee's performance of maintenance on Licensor's Property pursuant to this Agreement, Licensee will, at its own cost and expense, cause the same to be discharged of record or bonded within ninety (90) days from the filing of such lien. The provisions of this Section 5 are specifically enforceable by Licensor against Licensee.

6. **No Interest In Land.** This Agreement does not create an interest or estate in Licensee's favor in Licensor's Property. Licensor retains legal possession of the full boundaries of its property, and this Agreement merely grants to Licensee the personal privilege to use Licensor's Property in strict compliance with the terms of this Agreement. This Agreement does not create an assignment coupled with an interest in favor of Licensee. Any time, money, or labor expended by Licensee will be at Licensee's own risk and peril.
7. **Limited Scope Of License.** The license granted to the Licensee by this Agreement is limited in scope to required routine maintenance on the Licensor's property that is approved by Licensor. Licensee may not alter or change Licensee's use of Licensor's Property pursuant to this Agreement.
8. **Non-Transferability Of License.** The license granted to Licensee by this Agreement is a mere personal privilege and is neither transferable nor assignable by Licensee. Any attempt by Licensee to assign or transfer the license is a nullity and of no force and effect whatsoever.
9. **Termination.** This Agreement and the license granted to Licensee by this Agreement will terminate sixty (60) days after written notification of termination is provided by the Licensor to Licensee. The sixty (60) day notice provision established by this Section is acknowledged by Licensee to be reasonable. Such notice may be given at any time by the Licensor in its sole and absolute discretion.
10. **Insurance.** Licensee will obtain and maintain at all times during the term of this Agreement, at Licensee's sole cost, a policy of commercial general liability insurance with limits of coverage under the policy of not less than \$1,000,000 per claim and \$1,000,000 general aggregate. The Licensor will be named as an additional insured on such policy, and Licensee will furnish the Licensor with copies of such policy prior to the execution of this Agreement, and on each renewal or replacement of the policy throughout the term of this Agreement. Licensor may immediately terminate this Agreement, and the license herein granted to Licensee, if Licensee fails to procure and maintain the insurance required by this Section.
11. **Indemnification.** To the maximum extent permitted by law, Licensee will indemnify, defend, and hold Licensor harmless from and against any claim by any third party for injury to any person or damage to or loss of any property occurring in or around the Licensor's Property and arising from the Licensee's use of the Licensor's Property

pursuant to this Agreement, or from any other act or omission or negligence of Licensee or any of License's officers, directors, employees, contractors, volunteers, or agents. The indemnity obligation of this Section 11 will survive the termination of this Agreement and be fully enforceable thereafter.

12. **Notices.** All notices required or permitted under this Agreement must be given by registered or certified mail, return receipt requested, postage prepaid, or by hand or commercial carrier delivery, or by telecopies, directed as follows:

If intended for Licensor, to:

Town of Breckenridge  
P.O. Box 168  
150 Ski Hill Road  
Breckenridge, Colorado 80424  
Attn: Town Manager  
Telecopier number: (970)547-3104  
Telephone number: (970)453-2251

with a copy in each case (which will not constitute notice) to:

Timothy H. Berry, Esq.  
Timothy H. Berry, P.C.  
131 West 5th Street  
P. O. Box 2  
Leadville, Colorado 80461  
Telecopier number: (719)486-3039  
Telephone number: (719)486-1889

**AND**

Board of County Commissioners  
P.O. Box 68  
Breckenridge, Colorado 80424  
Attn: Scott Vargo, County Manager  
Telephone number: (970)453-3401  
Telecopier number: (970)453-3535

with a copy in each case (which will not constitute notice) to:

Jeff Huntley, Esq.  
Summit County Attorney  
P.O. Box 68  
Breckenridge, Colorado 80424  
Telephone number: (970)453-3407  
Telecopier number: (970)454-3535

X10U8 ORE CHUTE LICENSE AGREEMENT

If intended for Licensee, to:

Breckenridge Heritage Alliance  
P.O. Box 2460  
Breckenridge, Colorado 80424  
Attn: Executive Director  
Telecopier number: (970) 547-5813  
Telephone number: (970) 453-9767 x101

Any notice delivered by mail in accordance with this Section will be effective on the third business day after having been deposited in any post office or postal box regularly maintained by the United States Postal Service. Any notice delivered by telecopier in accordance with this Section will be effective upon receipt if concurrently with sending by telecopier receipt is confirmed orally by telephone and a copy of the notice is sent by certified mail, return receipt requested, on the same day to the intended recipient. Any notice delivered by hand or commercial carrier will be effective upon actual receipt. By notice given as provided above any Party may change the address to which future notices may be sent. E-mail is not a valid means of giving notice under this Agreement.

13. **Entire Agreement.** This Agreement constitutes the entire agreement and understanding between the Parties and supersedes any prior agreement or understanding relating to the subject matter of this Agreement.
14. **Modification.** This Agreement may be modified or amended only by a duly authorized written instrument executed by all of the Parties. Oral amendments to this Agreement are not permitted.
15. **Section Headings.** Section headings are inserted for convenience only and in no way limit or define the interpretation to be placed upon this Agreement.
16. **Governmental Immunity.** Licensor is relying on, and does not waive or intend to waive by any provision of this Agreement, the monetary limitations 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, or any other limitation, right, immunity or protection otherwise available to Licensor, their officers, or their employees.
17. **Applicable Law.** This Agreement is to be interpreted in all respects in accordance with the laws of the State of Colorado.
18. **Waiver.** The failure of any Party to exercise any of its rights under this Agreement is not a waiver of those rights. A Party waives only those rights specified in writing and signed by the Party waiving such rights.

19. **Severability.** If any provision of this Agreement is determined to be invalid, illegal or unenforceable the validity, legality and enforceability of the remaining provisions of this Agreement will not be affected or impaired.
20. **No Adverse Construction.** All Parties had the opportunity to participate in the drafting of this Agreement. This Agreement is not to be construed against any Party based upon authorship.
21. **Authority.** The individuals executing this Agreement on behalf of each of the Parties have all requisite powers and authority to cause the Party for whom they have signed to enter into this Agreement and to bind such Party to fully perform the obligations set forth in this Agreement.
22. **No Recording.** This Agreement **MAY NOT** be recorded in the real property records of the Clerk and Recorder of Summit County, Colorado.

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

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

ATTEST:

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

BOARD OF COUNTY COMMISSIONERS OF  
SUMMIT COUNTY, COLORADO

By: \_\_\_\_\_  
Scott Vargo, County Manager

BRECKENRIDGE HERITAGE ALLIANCE, a  
Colorado non-profit corporation

By: \_\_\_\_\_

Title \_\_\_\_\_

**MEMORANDUM**

**To:** Town Council

**From:** Peter Grosshuesch, Director of Community Development

**Date:** August 17, 2016

**Re:** Planning Commission Decisions of the August 16, 2016, Meeting.

---

***DECISIONS FROM THE PLANNING COMMISSION AGENDA OF August 16, 2016:***

CLASS C APPLICATIONS:

1) Moore Residence (MM) PL-2016-0222, 1067 Discovery Hill Drive  
Construct a new single family residence with 5 bedrooms, 5 bathrooms, 4,931 sq. ft. of density and 5,885 sq. ft. of mass for a F.A.R. of 1:20.23. *Approved.*

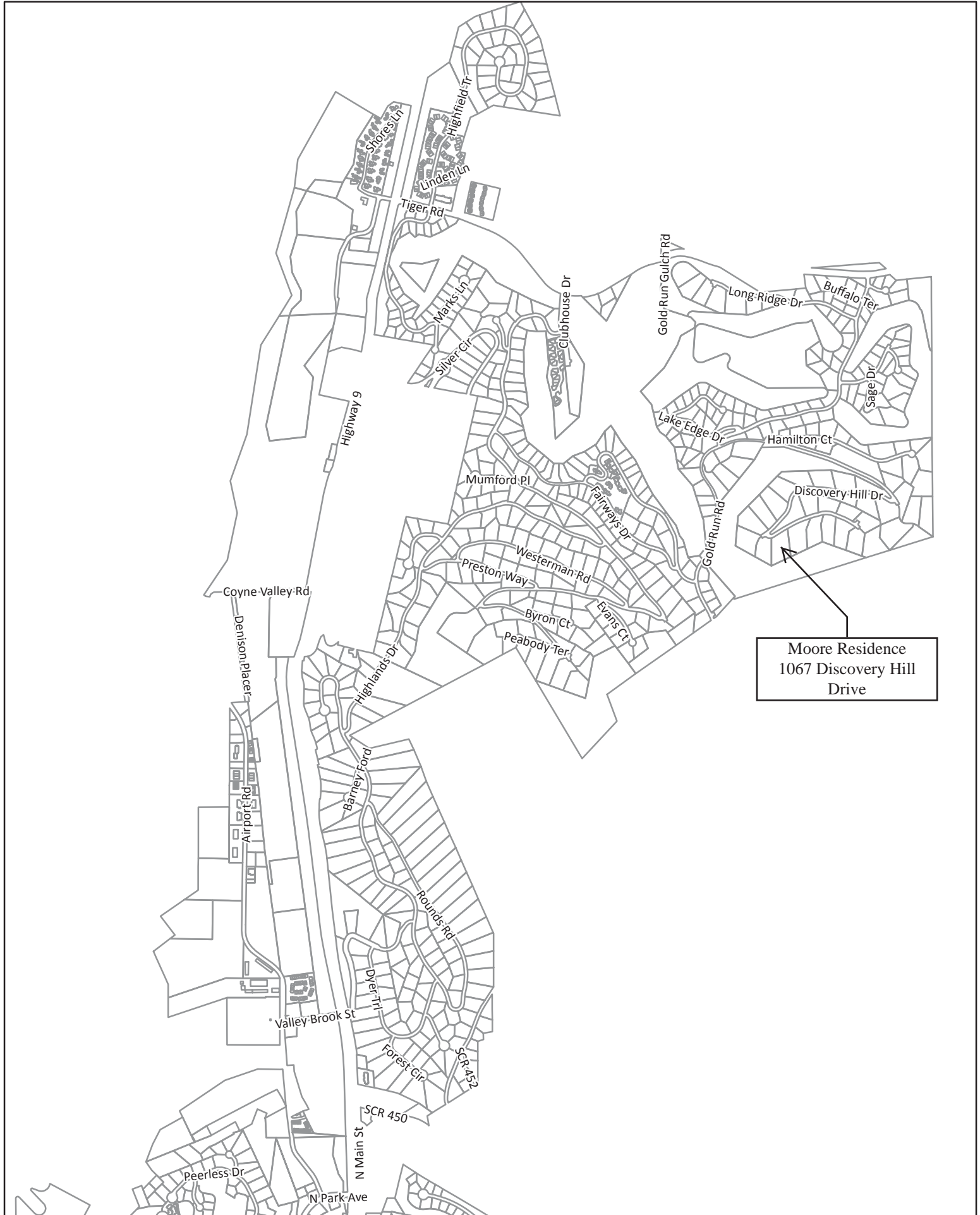
CLASS B APPLICATIONS: None.

CLASS A APPLICATIONS: None.

TOWN PROJECT HEARINGS: None.

OTHER: None.



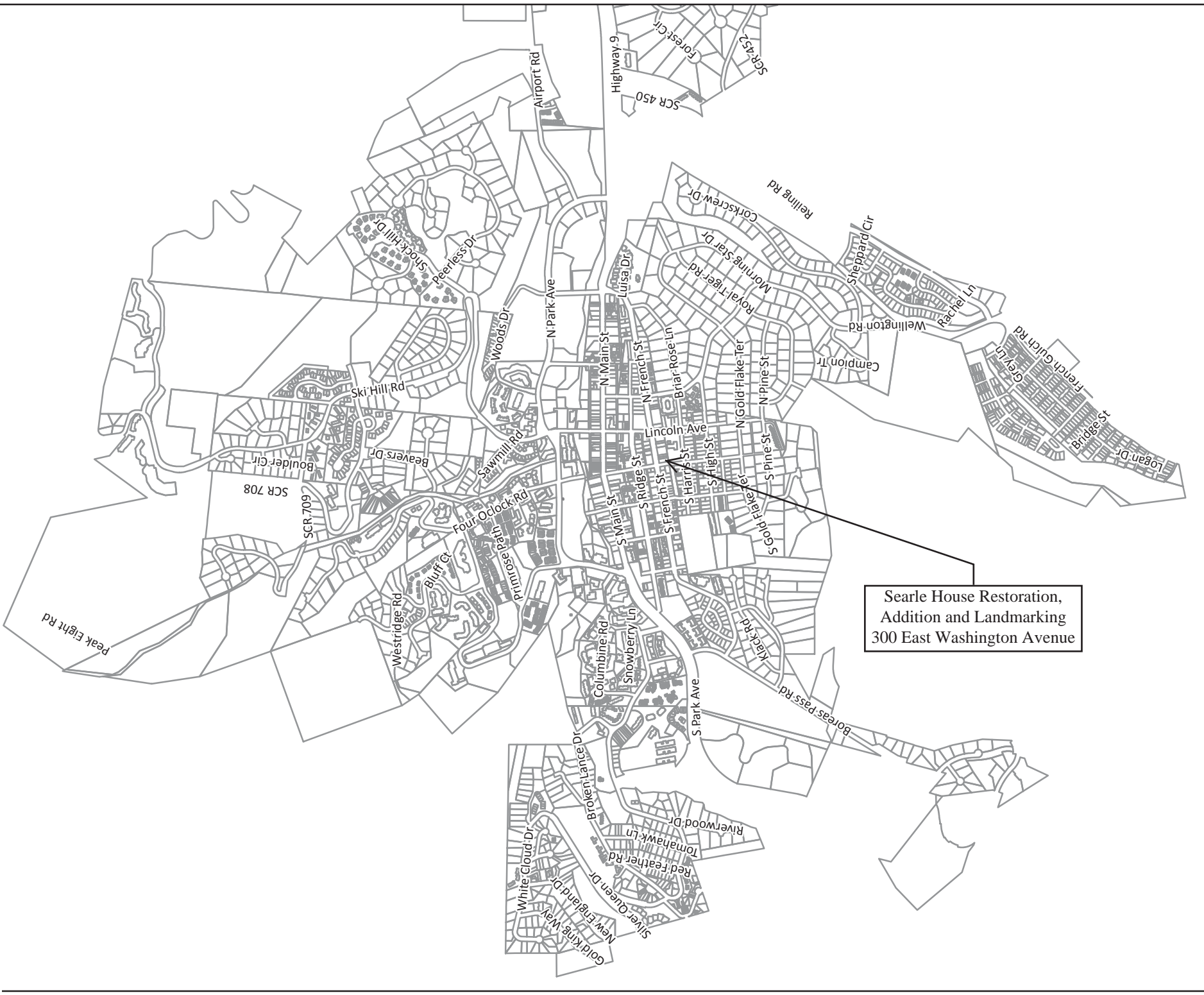


Moore Residence  
 1067 Discovery Hill  
 Drive



printed 1/13/2016  
 Town of Breckenridge and Summit County governments  
 assume no responsibility for the accuracy of the data, and  
 use of the product for any purpose is at user's sole risk.

# Breckenridge North



Searle House Restoration,  
Addition and Landmarking  
300 East Washington Avenue



printed 3/25/2016

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

# Breckenridge South



Not to Scale

## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm by Chair Schuman.

### ROLL CALL

Mike Giller                      Christie Leidal                      Ron Schuman  
Dan Schroder                      Gretchen Dudney                      Dave Pringle  
Mr. Lamb was absent.

### APPROVAL OF MINUTES

With no changes, the August 2, 2016, Planning Commission Minutes were approved as presented.

### APPROVAL OF AGENDA

With no changes, the August 16, 2016, Planning Commission Agenda was approved as presented.

### CONSENT CALENDAR:

1) Moore Residence (MM) PL-2016-0222, 1067 Discovery Hill Drive

*Commissioner Questions / Comments:*

Mr. Schroder: Can I ask a point of clarification? On page 8 of the packet: negative four and positive four but later negative two and positive two? (Mr. Mosher: That was a correction that did not get carried through; it is supposed to be negative two and positive two, thank you.)

With no further comments, the consent calendar was approved as presented.

### WORKSESSIONS:

1) Searle House Restoration, Addition and Landmarking (MM) PL-2016-0345, 300 East Washington

Mr. Mosher presented a preliminary discussion with the Applicant and Agent of a specific site and architectural issues related to the possible redevelopment of the property. The Applicant and the Agent have four issues to discuss:

- Acknowledge the setbacks and official “front yard”
- Obtain Commission feedback on façade widths for this Character Area
- Obtain Commission feedback on connector and general massing of a proposed addition
- The location of a third parking space for a proposed accessory apartment

Staff had the following questions for the Commission:

- Visual Impacts to the Block: Did the Commission believe the massing of the addition on this property has negative impacts to the overall visually unity of the two adjoining blocks (Washington Avenue and French Street)?
- Building Mass and Scale: Did the Commission believe the general massing of the building meets the intent of the policies listed in the staff report?
- Façade Width: Would the Commission support a 4-foot offset between facades in lieu of the established 6-foot minimum offset? Given the lot configuration, did the Commission have concerns with the building’s lot frontage exceeding 50 feet in length?
- Connector: Did the Commission believe the length of the connector is adequate to separate the new addition from the historic structure?
- Parking: Did the Commission agree that the parking, 3-feet off the property line, meets the intent of the guidelines as best as possible? Did the Commission believe the 3-foot separation of the parking space from the property line is adequate space to allow buffering to the abutting property (Community Center parking lot)?

Applicant Presentation: Ms. Janet Sutterley, Architect for the Applicant:

On the extra parking spot, which we are hoping will be considered side-yard, there is an off-site ten foot buffer strip that is already heavily landscaped on Town property, which is why we thought it would be okay to be only three feet from the property line. The 20-foot wide driveway cut would flare on site just enough to get to the parking spot. There is currently an paving strip just off the property where currently many cars are parked, which would be vacated and landscaped with an encroachment license agreement if this project goes through. We are asking about the stepping forms issues because we are working with only 25 feet of depth for the building. The most important thing to us for tonight's discussion is the building massing and scale and the ability to go to a story and a half in height. The house directly across the street is a full two story house and there is a story and a half historic residence down the street and another one nearby, so I think we fit in well with the scale of the neighborhood. The accessory unit would most likely be located in the basement area beneath the landmarked historic house.

*Commissioner Questions / Comments:*

Mr. Pringle: I was not on the site visit; did those of you there gain any more insight?

Ms. Dudney: I remember hearing about some improvements to the property; could you expand more on this?

Mr. Schroder: How did you propose to address Priority Policy 38 about the façade? (Mr. Mosher: The applicant is trying to break up the façades with the stepping.) So you're going to lose more feet in the connector element if we are going to hold to the six feet? (Mr. Mosher: The width of the connector could get narrower and the blue colored piece could get narrower, but internal functionality is key.)

Ms. Dudney: And the historic building will be raised 12 inches? (Mr. Mosher: Yes, for site drainage corrections.)

Mr. Pringle: Are we doing the right thing for the wrong reasons or are we doing the wrong thing for the right reasons on this property? We're not going to fool anyone by building it like it's an infill lot when it's a corner lot. If we build it as presented here we are going to run up against issues. (Mr. Mosher: This is how the property is historically situated, which will always be a problem of this property, so what we're asking the Commission is if this is the way we want to go, and are there variances we want to make.) I think we're going about this the wrong way since this is a corner lot.

Mr. Schroder: Are out buildings defined to be at the back of the lots? (Mr. Mosher – Yes.) So, in the photographs, there is an out building off to the side, so maybe we can maintain historic precedent by looking at that? (Mr. Mosher: Correct. Well there isn't the mass that is being proposed in that photo.)

Ms. Dudney: It is clear that the Development Code was not written with this kind of property in mind, so I ask what would we say if the Development Code was written with a lot more properties like this? Because I am not supporting the massing moving up, I don't think it keeps up with the rest of the block.

Mr. Pringle: We are not smart enough to write parts of the code, but I do think that a lot of our most successful historic preservations have not exactly met the code.

Mr. Giller: Was there an Cultural Resource form with this? Could you email it to us? (Mr. Mosher - The analysis of the Resource data is in the report.) I think what is being wrestled with are character-defining features, and this house is a bit different and we really want something compatible here because the addition is much more visible. I think this is close but the addition is more complicated than the original, and because it's so visible we should make it compatible.

Mr. Pringle: I was just wondering if we could be more creative here? Look at the house that was built on Ridge Street with too many big windows, that's a wonderful corner house. (Mr. Mosher, the closest one I can think of is the Kasonavich house by Bank of the West, which we did discuss.) (Ms. Sutterley: I know the house you are thinking of, it was a good solution, but it does not have a connector.) I just don't think we're going to be happy with this along the road

- because the little house is going to be lost in all the additions.
- Mr. Schuman: I think this property is difficult and if we could take everything off and start over, it would be better. But it's historic. I don't like the massing in the back, but we have to work with it.
- Ms. Dudney: We have to think of the fact that any variance affects all of the properties around this place. My concern is the height and mass; it's less about the side parking and the four and six feet, I'm mostly concerned about height and mass. I am concerned about the property to the north.
- Mr. Schuman: I also don't think the parking works, once you start piling up snow there, you can't fit a car. I want to look at how we can improve the neighborhood and the entire area. A few years ago, we had a conversation about livability.
- Mr. Giller: In response to Mr. Mosher's question about this project possibly lowering the historic rating, it's possible. The addition should be simpler than most buildings in the District. So, the addition should also be simpler and a bit smaller. We're looking at an addition that is not quite subservient to the historic house. I think it's a bit big and complicated. The building blocks are good and the step ups are good, the four foot setback is okay, I think that this can be fixed, but is overpowering as is. (Ms. Sutterley: I agree this is too busy, this is more of an idea, and we do want to get higher than the historic structure.)
- Mr. Pringle: The house was oriented wrong. (Mr. Mosher – In the 19<sup>th</sup> century it was orientated right!)
- Mr. Giller: No, that is just the way the mining community built things.
- Ms. Dudney: The historic standards weren't written with this in mind.
- Mr. Mosher: I was thinking maybe they could take out some of this roof out in between the blue and orange. (Mr. Grosshuesch: Are they going to be separate units on the top floor?) (Ms. Sutterley: No, The second floor will be like a master suite incorporated into the main house.)
- Mr. Pringle: Maybe we can drop the roof line. (Mr. Mosher: Maybe they could break this down into smaller separate-appearing masses.)
- Mr. Giller: A new addition should not compete in design, scale, size of an historic building. We need to make sure that the historic building is the most important thing on that lot. So the addition needs to be simpler. (Mr. Mosher: There are currently little out- buildings on the property; maybe they could do something like that?)
- Ms. Dudney: If we have to have a variance for something like this, the viewpoint of the neighbors is going to be very important to me. A variance isn't a right and if the neighbors are opposed, that is important.
- Ms. Leidal: I think there's a rule about the garage in the yard being 20 ft from the property line, I think we can give a variance because this is a special circumstance. (Mr. Mosher: That was anticipated, and Streets was supportive of allowing encroachment off the property for driveway parking.) Does the connector meet our policy? (Mr. Mosher: It meets the shall requirements, and the length has been determined on a case by case basis in the past.)
- Mr. Schuman: If you could all give your thoughts on the questions.
- Ms. Dudney: I applaud the purchaser wanting to restore this historic building, but I don't believe that the massing is suitable for the block, I don't think it meets the intent of the policies. And if we come back with something new that requires a variance, I want to talk to neighbors. I support the four foot offset I'm not concerned with exceeding 50 in length or the parking.
- Mr. Pringle: I think the massing is overwhelming; it will devalue the historic house. I think the connector element should be extended; it looks more like buildings are pushed together too much as is. I wish there was a different solution to the 50 foot width issue. I don't have a problem with the four feet stepping issue or with the 3 feet off the property line on the parking space, but I don't think it will be a parking space once the snow starts being pushed there. There might be a little too much program going on here; we might need to shrink our expectations.
- Mr. Schroder: I'm glad we're going to change this, but to what given the Washington front? It feels like we should pay more homage to the original building with the additions. I don't know if this house has a negative impact when you look at the huge houses on the same block, but I still support what Mr. Giller is saying about reflecting on the simplicity of the historical house. The 50 foot

- frontage is difficult, but the stepping is a good idea, and I'm fine with the connectors.
- Ms. Leidal: I think this is a tough site as a corner lot with the orientation of the house; our historic standards were not written for this. We need to be flexible, but I would like to see us meet as many policies as possible. I agree with the concern about rear massing and simplifying the design of the rear structures to be more compatible. I would like to see the 6 foot offsets on façade width because that is precedent we've met before. I think the connector may need to be longer, but it is difficult because it is a corner lot. Parking, you can technically park in that area, but it will be a snow stack management concern. Noting that we need to give a variance for the placement of the garage under Absolute Policy 9A.
- Mr. Giller: I believe this is a great opportunity and wonderful project. I am okay in general with simplifying the massing and showing flexibility on the small questions. I don't care so much about the parking and the 4 foot offset, but I encourage considering other options in the design process.
- Mr. Schuman: I'm not sure how I can work through the mass and scale, this is big, but I would love to see something happen here. The connector fits; I think the offset is okay. I think the parking meets the intent of the guidelines, though I don't think it's going to actually work. You're off to a great start.

#### **OTHER MATTERS:**

Mr. Truckey presented three recent code changes to the Commission. Staff had provided the Planning Commission with a brief update of pending ordinances at the August 2 meeting. The packet included a brief description of each ordinance as well as the ordinances themselves. First readings on each of these ordinances were reviewed by the Town Council on August 9. The Residential Parking ordinance was asked to come back with further refinement. The Point Analysis and Land Use District 1 ordinances will each require a second reading. The Residential Parking ordinance will require additional research and will return to the Town Council as a first reading. Staff would like the Planning Commission to be familiar with the ordinances. Staff would like to answer any questions or take any comments or note issues that the Commission has.

#### 1) Point Analysis Decision and Miscellaneous Updates

##### *Commissioner Questions / Comments:*

Mr. Pringle: I had a discussion with one of the Council members on how they like what the Commission is doing and they see that we pass everything at seven to nothing. I don't know if they all understand that there is still controversy to a project because of that; that in order for it to pass it must be a unanimous vote.

#### 2) Land Use District 1 Update

#### 3) Deed Restricted Parking Exemption Update

##### *Commissioner Questions / Comments:*

Mr. Pringle: So you could convert the bottom space of a floor to residential if it's in the back? What about an alley? (Mr. Truckey: You could if it was on an alley, per the Downtown Overlay District.) What about the river walk? (Mr. Truckey: Not on the river walk.) What about Fiesta Jalisco? This whole ordinance is applied to anomalies. (Mr. Grosshuesch: We cannot anticipate every situation. The ordinance is intended to get more deed restricted spaces for housing. We see this as an easy way to get some desperately needed workforce housing.)

Ms. Dudney: I think it's true that what was once office space is no longer getting leased, so this is a very real solution. (Mr. Grosshuesch: We don't have any exclusionary land use districts; we let the market decide. If we didn't have deed restricted affordable housing requirements, the market would probably bid these spaces into condos. We didn't like the idea of having downtown residential that didn't have parking associated, but now we're stepping up transit and pedestrian access, so since this is not many units to begin with, the philosophy is to loosen up

- on the parking.)
- Mr. Pringle: So this is long-term workforce housing? (Mr. Grosshuesch: Yes.) What about bikes and kayaks and such? (Mr. Grosshuesch: I don't think we're any worse off by doing this.) I think we're opening up more of a problem here. Like a few years ago we were splitting up lots which caused problems and we had to stop it. I'm not sure that this is a good solution to a problem. If we open this up how do we stop it? (Mr. Grosshuesch: We are not incentivizing new construction with this, and the people renting these out are not necessarily of the same mindset as the people with accessory units in the Highlands.) But I don't know if the Town will even check? (Mr. Grosshuesch: The town will check, as we do with all our deed-restricted units.) I don't trust the intent; I don't think it's a good idea. (Mr. Grosshuesch: I think the intent is pure based on what building owners have said.)
- Mr. Giller: Is there a sunset on this? (Mr. Grosshuesch: We will work with the units and the buildings on this, but it is permanent.)
- Ms. Dudney: I think this is a good idea, a good way to address workforce housing issues. (Mr. Truckey: This is not going to be income-based but will be something like a requirement that tenants are working 30 hours a week in the Upper Blue Basin.)
- Mr. Schuman: So the requirement is that people will be working in the Upper Blue? (Mr. Grosshuesch: We are still working on what the requirements would be.)

**ADJOURNMENT:**

The meeting was adjourned at 8:21 pm.

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Ron Schuman, Chair

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**Town of Breckenridge Executive Summary**  
**Economic Indicators**  
(Published August 17, 2016)

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**Indicator Monitoring System**

Up and down arrow symbols are used to show whether the indicator appears to be getting better, appears stable, or is getting worse. We have also designated the color green, yellow or red to display if the indicator is currently good, fair or poor. Please note months of data will vary with indicator, based on the most recent information available.




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**Unemployment: Local (June 2016)**

Summit County's unemployment rate decreased to 2.8 % in June. This rate is lower than the June 2015 rate of 3.3 % and the June 2014 rate of 4.6 %. Summit's June rate is lower than that of Pitkin County (3.9 %) and Eagle County (3.5 %). (Source: BLS)




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**Unemployment: State (June 2016)**

The Colorado State unemployment rate increased to 3.7 % in June. This rate is lower than the June 2015 rate of 4.4 %. (Source: State of Colorado)




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**Unemployment: National (June 2016)**

The national unemployment rate increased slightly to 4.9 % in June. Since 2011, we have seen the national rate continue a general incremental downward trend. June 2016 has seen a drop from last June's rate of 5.3 % and the June 2014 rate of 6.1 %. (Source: BLS)




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**Destination Lodging Reservations Activity (July 2016)**

Occupancy rates were up 12.4 % for the month of July compared to July 2015. The Average Daily Rate (ADR) for July increased by 7.2 %. On average, the occupancy rates for all Colorado mountain resort destinations increased by 5.0 % for the month.

(Source: DestiMetrics)




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**6 Month Projected YTD Occupancy (August-January 2016)**

Future bookings for the upcoming August-January 2016 period show an increase of 4.6 % in projected occupancy rate over the corresponding period last year. The Average Daily Rate for the same time period was up 6.0 %. (Source: DestiMetrics)





### **Traffic Count at Eisenhower Tunnel (June 2016)**

During the month of June, the traffic count at the Eisenhower tunnel westbound totaled 543,387 vehicles compared to June 2015 traffic counts of 522,218 vehicles, representing a 4.0 % increase and a 8.3 % increase compared to June 2014 traffic counts (501,575 vehicles). In comparison, data showed June traffic coming into town on Highway 9 increased by 1.2 % compared to June 2015. These traffic flows indicate that the Town slightly decreased its relative capture rate coming from the tunnel in June. (Source: CDOT)



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### **Consumer Confidence Index-CCI (July 2016)**

The Consumer Confidence Index (CCI) remained essentially unchanged in July at 97.3, a decrease of 0.1 points from June. (Source: CCB)



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### **Mountain Communities Sales Tax Comparisons (June 2016)**

The amount of taxable sales in Town for June 2016 was up 5.5 % from June 2015 levels. All of the mountain towns monitored experienced an increase in taxable sales as compared to June 2015, with an average increase of 7.7 %. (Source: Steamboat Springs Finance Dept. and Town Finance)



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### **Standard & Poor's 500 Index (July 2016)**

The S&P 500 average monthly adjusted closing price was 2,173 in July, up 75 points from June. (Source: S&P 500 and Town Finance)



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### **Town of Breckenridge RETT Collection (July 2016)**

July 2016 RETT collection (\$363,545) was up 6.3 % from July 2015 (\$341,927) collections and below July 2014 collections (\$409,671). RETT collected for the year so far (Jan-July) is up 2.3 % compared to the same period for 2015. (Source: Town Finance)



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### **Real Estate Sales for Summit County/Breckenridge (June 2016)**

June Summit County real estate sales decreased by 13 % in \$ volume and decreased by 16 % in the number of transactions compared to June 2015. Of that, Breckenridge took in 40 % of the \$ volume and 28 % of the transactions countywide for the month. (Source: Land Title)





## Scheduled Meetings, Important Dates and Events

**Shading indicates Council attendance – others are optional**

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

### **AUGUST 2016**

Thursday, August 11-Sunday, August 21, 2016 Breckenridge International Festival of Arts (BIFA)

Tuesday, August 23, 2016; 3:00/7:00 pm Second Meeting of the Month

### **SEPTEMBER 2016**

Tuesday, September 13, 2016; 3:00/7:00 pm First Meeting of the Month

Friday, September 9-Sunday, September 11, 2016 Breckenridge Oktoberfest

Friday, September 23, 2016; 8:00-9:00 am; TBD Coffee Talk

Tuesday, September 27, 2016; 3:00/7:00 pm Second Meeting of the Month

### **OCTOBER 2016**

Tuesday, October 11, 2016; 3:00/7:00 pm First Meeting of the Month

Friday, October 14, 2016; 8:00-9:00 am; TBD Coffee Talk

Tuesday, October 25, 2016 Town Council Budget Retreat

### **OTHER MEETINGS**

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

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